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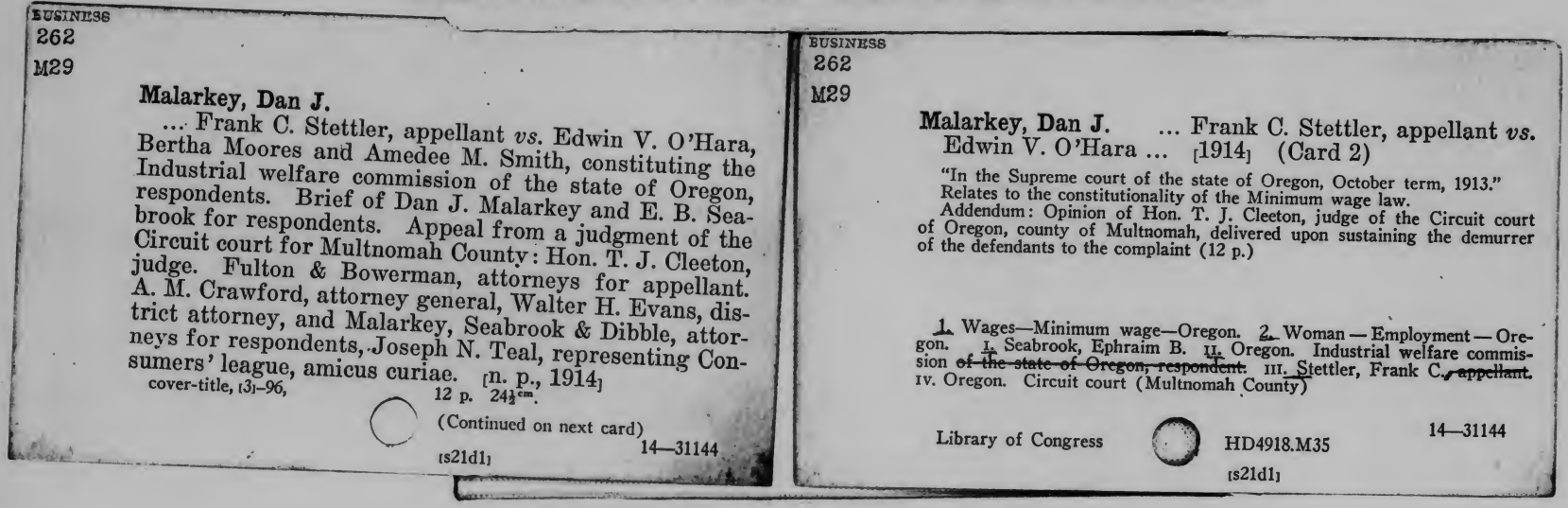

BUSINESS
262
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Malarkey, Dan J.

... Frank C. Stettler, appellant *vs.* Edwin V. O'Hara, Bertha Moores and Amedee M. Smith, constituting the Industrial welfare commission of the state of Oregon, respondents. Brief of Dan J. Malarkey and E. B. Seabrook for respondents. Appeal from a judgment of the Circuit court for Multnomah County: Hon. T. J. Cleeton, judge. Fulton & Bowerman, attorneys for appellant. A. M. Crawford, attorney general, Walter H. Evans, district attorney, and Malarkey, Seabrook & Dibble, attorneys for respondents, Joseph N. Teal, representing Consumers' league, amicus curiae. [n. p., 1914]

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BUSINESS
262
M29

Malarkey, Dan J. ... Frank C. Stettler, appellant *vs.* Edwin V. O'Hara ... [1914] (Card 2)

"In the Supreme court of the state of Oregon, October term, 1913."
Relates to the constitutionality of the Minimum wage law.
Addendum: Opinion of Hon. T. J. Cleeton, judge of the Circuit court of Oregon, county of Multnomah, delivered upon sustaining the demurrer of the defendants to the complaint (12 p.)

1. Wages—Minimum wage—Oregon. 2. Woman — Employment — Oregon. I. Seabrook, Ephraim B. II. Oregon. Industrial welfare commission ~~of the state of Oregon, respondent.~~ III. Stettler, Frank C., ~~appellant.~~ IV. Oregon. Circuit court (Multnomah County)

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IN THE

Supreme Court

OF THE

State of Oregon

OCTOBER TERM, 1913

FRANK C. STETTLER,
APPELLANT

VS.

EDWIN V. O'HARA, BERTHA MOORES and AMEDEE M. SMITH, constituting the Industrial Welfare Commission of the State of Oregon,
RESPONDENTS

Brief of Dan J. Malarkey and E. B. Seabrook for Respondents.

APPEAL FROM A JUDGMENT OF THE CIRCUIT COURT FOR MULTNOMAH COUNTY:

HON. T. J. CLEETON, Judge.

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MALARKEY, SEABROOK & DIBBLE,
Attorneys for Respondents
JOSEPH N. TEAL, Representing Consumers' League,
Amicus Curiae.

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HON. T. J. CLEETON, Judge.

STATEMENT.

The last Legislature passed the Act attacked in this suit. It is popularly known as the "Minimum Wage Law." Though some employers of women at first objected to the bill, after a conference between a delegation of such employers, which in-

cluded appellant, and the Senate committee to which the bill had been referred, and some changes suggested by said delegation had been made, practically all opposition to the bill disappeared. It passed both houses of the Legislature without a dissenting vote.

The reasons for and purposes of this law are indicated by the opening clause of the title, to-wit: "A Bill for an Act to protect the lives and health and morals of women and minor workers," and by the following preamble:

> "Whereas, The welfare of the State of Oregon requires that women and minors should be protected from conditions of labor which have a pernicious effect on their health and morals, and inadequate wages and unduly long hours and unsanitary conditions of labor have such a pernicious effect;"

As the only question raised by the record in this case is the validity of a proposed order establishing a minimum wage for adult experienced women workers, we shall not refer to or discuss those provisions of the law affecting minors or concerning hours of employment.

The gist of the law is found in Section 1. That announces the legislative policy and fixes the legislative standards on the subject. The balance of the law provides the procedure for the carrying out of that policy.

By said Section 1 the Legislature declares that

> **"It shall be unlawful to employ women in any occupation within the State of Oregon for wages which are inadequate to supply the necessary cost of living and to maintain them in health."**

The Act creates an "Industrial Welfare Commision" consisting of three members apointed by the Governor. The respondents are the first appointees to said commission.

The Act provides that if said Commission is, after investigation, of opinion that any substantial number of women workers in any occupation are receiving wages **"inadequate to supply them with the necessary cost of living and maintain them in health,"** it may call and convene a conference to investigate the subject and report thereon to said Commission, and that such Conference must be composed of equal numbers of representatives of the employers in the occupation and of representatives of the employes in the occupation, and of disinterested persons representing the public, and that after full inquiry and consideration of all available information and procurable evidence, such Conference must embody its findings and recommendations on the subject investigated in a report to said Commission.

The Act further provides that upon receipt of the report of such Conference said Commission shall consider and review the recommendations

contained therein and may approve or disapprove any or all of them, and that if said Commission approves any of said recommendations it must publish notice for not less than four weeks of a public meeting at which all in favor of or opposed to said recommendations are given a hearing, and that after said notice and meeting and hearing, said Commission **"may, in its discretion, make and render such an order as may be proper or necessary to adopt such recommendations and carry the same into effect,"** which said order shall require all employers in the occupation affected thereby to observe and comply therewith, and shall become effective sixty days after its rendition.

The Act further provides that after said Commission has thus ascertained and determined and declared in dollars and cents what is the lowest wage adequate to supply the necessary cost of living to women workers in any occupation and maintain them in health, the employment of any woman worker in such occupation at less than such **"minimum living wage"** becomes a misdemeanor.

After the organization of said "Industrial Welfare Commission" it called and convened a Conference to investigate and report on wages of women workers in manufacturing establishments in Portland.

The employers of such women workers were represented in said Conference by: (1) A. T. Huggins, one of the principal officers of Fleischner,

Mayer & Co., in whose garment factories many women are employed; and (2) Everett Ames, the executive head of Ames Harris Neville Co., who employ much female labor in the making of bags and tents and awnings; and (3) J. W. Vogan, the proprietor of a large candy factory where many girls and women work.

The disinterested public was represented in said Conference by: (1) W. B. Ayer; and (2) Charles McGonigle; and (3) Mrs. E. B. Colwell. The first two are well known employers of male labor and the third is the wife of an employer. Mr. Ayer is at the head of the "Eastern and Western Lumber Company," one of the largest manufacturing establishments in Oregon, and is interested in other enterprises employing many men.

The female employees in the occupations investigated were represented in said Conference by three of their own number—three plain, honest working women, namely: (1) Mrs. L. Gee; and (2) Nina A. Fullman; and (3) Miss A. Bolda.

A consideration of the personel of said Conference shows that two-thirds of its members came from the employer class and persuades us that its findings and recommendations could not well be unmindful of the true interests of or unfair to the employers whose occupations were investigated. And after this Conference made a full and fair inestigation and these three women workers conferred and exchanged views and ideas with three

employers of women and the three others whose natural sympathies and inclinations were more with the master than the servant, there was only one report and that was signed by the entire nine.

In their report to the Commission the nine members of said Conference, after saying that in the establishment of a minimum wage for women workers in factories, consideration must be given "to industry as it exists and care must be taken that injustice is not inflicted in an effort **to remedy abuses** that have long existed," join in recommending the establishment of a minimum wage of $8.64 per week for women workers in manufacturing establishments in Portland because "any lesser amount is inadequate to supply them the necessary cost of living and maintain them in health."

In this suit appellant seeks to enjoin the enforcement of an order of the Commission adopting and carrying into effect said finding and recommendation of said Conference.

By his complaint appellant says that he employs 42 adult experienced women workers in his paper box factory and that though he pays some of them more than $8.64, he pays some as low as $6.00 per week. Assuming that he pays 21 less than $8.64 and that the average for said 21 is half way between $6.00 and $8.64, which is a fair assumption to draw from the allegations of the complaint, it would appear that his weekly pay roll

will be increased by about $27.72 if he is denied the relief herein sought.

Appellant claims that many of his sacred constitutional rights will be invaded if he is compelled by the expenditure of an additional $27.72 per week to give a "living wage" to all the experiencd adult women workers in his employ. His claim of being unable to compete with paper box makers of other states,—a claim of the kind so commonly made by those employers who resist progressive legislation designed to correct economic evils and curb business greed—is considerably weakened by the circumstance that shortly after this minimum wage law passed Oregon's legislature, it was taken up and adopted in Washington and California, from whence comes his principal outside competition.

Proof of the necessity and wisdom of this Minimum Wage Law is found in the very fact that, because he is unwilling to have his pay roll increased $27.72 per week, appellant refuses to acquiesce in the recommendation of his fellow employers of women and asks the courts to legitimatize his long continued practise of employing adult experienced women workers at what said fellow employers declare, after careful investigation, is less than a "living wage."

From a judgment and decree rendered by Judge Cleeton, in and by which appellant is denied the relief sought, this appeal is prosecuted. Judge

Cleeton's opinion is made an addendum to this Brief.

This Minimum Wage Law of Oregon has attracted the attention of students of economic problems and advocates of progressive legislation all over the world. They know of this case and are intensely interested in the outcome thereof. Two of those students and advocates, who have attained an enviable fame extending beyond the borders of this nation because of their efforts for social justice—Attorney Louis D. Brandeis, of Massachusetts, and Miss Josephine Goldmark, secretary of the National Consumers' League—have compiled and tabulated for the use of this court a wealth of information and data and statistics bearing upon this live question of securing a "living wage" for women workers. Their able and unselfish work will be printed and presented as an Appendix to the Briefs of Respondents in the belief that it will materially aid the members of this tribunal in reaching a proper decision of this cause.

POINTS AND AUTHORITIES.

I.

The provisions of the Fourteenth Amendment to the Federal Constitution do not impair the police power of a state to protect the public health, morals and welfare.

Barbier v. Connolly, 113 U. S. 27-31.

Mugler v. Kansas, 123 U. S. 623; 8 Sup. Ct. Rep. 273.

Muller v. Oregon, 208 U. S. 412; 28 Sup. Ct. Rep. 324.

Noble State Bank v. Haskell, 219 U. S. 104.

II.

It is for the legislature to decide when a particular condition injuriously affects the public health or morals or welfare, and to determine by what means such conditions should be regulated so as to protect the public health and morals and welfare. A determination by the legislature that any condition is injurious to health or morals or welfare and that the means or methods prescribed by it are proper and necessary to remedy or regulate that condition is binding and conclusive. The only power possessed by the Courts is to hold such action invalid only when it is palpable and beyond a reasonable doubt that the conditions or the means adopted to remedy it, or both, do not tend to affect the public health or morals or welfare.

Ogden v. Saunders, 12 Wheat. (U. S.) 270.

Jacobson v. Massachusetts, 197, U. S. 11-31; 25 Sup. Ct. Rep. 358-363.

Mugler v. Kansas, supra.

Laurel Hill Cemetery v. San Francisco, 216 U. S. 358; 30 Sup. Ct. Rep. 301.

State v. Layton, 61, S. W. 171-177.

State v. Muller, 48 Or. 252-255.

Grant County v. Sels, 5, Or. 243-245.

Cooley Const. Lim. (4th Ed.) pp. 220-225.

State v. Cottu, 33 Ind. 412.

In re Boyce, 65 L. R. A. 47.

III.

The employment of the labor of women workers may be regulated by the State in the exercise of the police power by imposing as conditions thereon "reasonable hours" of labor and the payment of a "living wage."

Muller v. Oregon, 208, U. S. 412; 28 Sup. Ct. Rep. 324.

State v. Muller, 48 Or. 252.

State v. Buchanan, 29 Wash. 602.

State v. Sommerville, 122 Pac. 324.

Wenham v. State, 65 Neb. 396.

Com. v. Hamilton Co., 120 Mass. 383.

Ex parte Miller, 124 Pac. 427.

Withey v. Bloom, 163 Mich. 419; 128 N. W. 913.

Ritchie v. Wayman, 244 Ill. 509; 91 N. E. 695.

IV.

Any practice which tends to delay or prevent the payment of wages to the laborer affects the public welfare and tends to make such laborer a public charge, and, therefore, such practice may be regulated under the police power, in the interest of the public welfare.

International Co. v. Wessinger, 160 Ind. 349; 65 N. E. 521.

Mutual Loan Co. v. Martell, 200 Mass. 482;

affirmed by U. S. Supreme Court, 32 Sup. Ct. Rep. 74.

V.

The Act is uniform in its operation. And the Commission's order does not cause unlawful discrimination, nor does it amount to class legislation.

Chicago Co. v. Iowa, 94 U. S. 163.

Barbier v. Connolly, 113 U. S. 27-33.

Soon Hing v. Crowley, 113 U. S. 703-709.

In re Oberg, 21 Or. 411.

State v. Randolph, 32 Or. 74.

State v. Muller, 48 Or. 252.

State v. Baker, 50 Or. 381.

VI.

The dividing of the employers of labor into two classes, one being classed as employers of women

workers, and the other being classed as employers who do not employ women workers, is a reasonable and proper classification.

State v. Baker, 50 Or. 381.
And the authorities cited under Point No. III.

VII.

The fact that the Commission makes its order in one locality before doing so in others does not amount to discrimination.

Louisville Co. v. Garrett, 34 Sup. Ct. Rep. 48.

VIII.

The enforcement of a law may be made to depend upon a condition or a fact to be ascertained by an executive officer, and the delegation of the power to ascertain such condition or fact does not constitute a delegation of legislative power.

State v. Corvallis Co., 59 Or. 450.

Portland R. L. & P. Co. v. R. R. Com., 229 U. S. 397.

Southern Pacific Co. v. Campbell, 33 Sup. Ct. Rep. 1027.

Union Co. v. U. S., 27 Sup. Ct. Rep. 367.

State v. McCarthy, 59 So. 543-545.

Isenhour v. State, 157 Ind. 517; 62 N. E. 40.

People v. Vandecar, 175 N. Y. 440; 67 N. E. 913.

Abbott Mun. Corp., Sects. 119, 120.

Minneapolis Co. v. Comm., 116 N. W. 905.

Elwell v. Comstock, 99 Minn. 261; 109 N. W. 698.

Leeper v. State, 53 S. W. 962.

State v. McMahon, 65 Minn. 453; 68 N. W. 77.

ARGUMENT.

The principal assault upon the validity of the progressive legislation in question is predicted upon the alleged ground that the act violates the Fourteenth Amendment to the Constitution of the United States in that it takes property without due process of law and without compensation and denies to citizens freedom in contracting concerning their private affairs. Three additional constitutional objections are also urged, to-wit: (1) That the Act is not uniform in its operation and amounts to class legislation; (2) That the Act undertakes to delegate legislative powers to the Commission created thereby, and (3) That the Act expressly denies to persons affected thereby a judicial review of the acts of the commission. These propositions we will discuss in the following order, to-wit:

I. The Act is not vulnerable to the objection that it violates the Fourteenth Amendment.

II. The Act is uniform in its scope and application.

III. The Act is complete in itself and does not delegate legislative power.

IV. The Act does not deny a proper judicial review of the Commission's orders.

I.

The Act is not vulnerable to the objection that it violates the Fourteenth Amendment.

All objections that the Act violates the Oregon Constitution, except those treated under the last three of the four above named propositions, are covered by and answered in our discussion of this proposition.

As it is our contention that the Act is a valid exercise of the police power of the State, and if that contention is sound the objection that it violates the Fourteenth Amendment must fail, a proper discussion of this first proposition necessitates the following sub-heads, to-wit:

(a) The police power and its nature and effect; and

(b) The respective duties of legislatures and courts; and

(c) The public health aspect; and

(d) The public morals aspect; and

(e) The public welfare aspect.

(a) **The Police Power and its Nature and Effect.**

The police power, which is another name for the power of government, is as old and unchanging as government itself. If its existence be destroyed government ceases.

There have been many attempts to define the police power and its scope; but because of confusing the power itself with the changing conditions calling for its application, many of the definitions are inexact and unsatisfactory.

The courts have latterly eliminated much of this confusion by pointing out that, instead of the power being expanded to apply to new conditions, the new conditions are, as they arise, brought within the immutable and unchanging principles underlying the power. When new conditions arise which injuriously affect the health or morals or welfare of the public, we no longer say that we will expand the police power to reach and remedy the evil. Instead we say that a new evil has arisen which an old principle of government—the police power—will correct.

With these thoughts in view we will quote several modern definitions of the police or governmental power.

This power, says the Supreme Court of the United States, in **License Cases, 5 How. (U. S.) 504,** is: **"Nothing more or less than the power of government inherent in every sovereignty * * * that is to say * * * the power to govern men and things."**

Professor Tucker in his article on Constitutional Law, published in the Eighth Volume of Cyc. and at page 863 thereof, defines the power as follows:

> "Police power is the name given to that inherent sovereignty which it is the right and duty of the government or its agents to exercise whenever public policy, in a broad sense, demands, for the benefit of society at large, regulations to guard its morals, safety, health, order, **or to insure in any respect such economic conditions as an advancing civilization of a highly complex character requires.**"

Chief Justice Shaw of Massachusetts is the author of perhaps the most often quoted definition. In **Com. v. Alger, 7 Cush. (Mass.) 53-85,** he says:

> "The power vested in the legislature by the constitution, to make, ordain and establish all manner of wholesome and reasonable laws, statutes and ordinances, either with penalties or without, not repugnant to the constitution, **as they shall judge to be for the good and welfare of the commonwealth and of the subjects of the same.**"

In **Portland v. Cook, 48 Or. 550-554,** Justice Moore defines the police power as follows:

> "The preservation of the public health and public morals is a duty devolving on the State, the discharge of which is denominated an exercise of the police power. * * *As the perpetuity of a stable government necessarily depends upon the security of the public health and the maintenance of public morals, neither the State nor its agents can bargain away this branch of sovereignty."

Perhaps the best and most comprehensive definition is that recently announced by Justice Holmes of the Supreme Court of the United States in the case of **Noble State Bank v. Haskell, 219 U. S. 104,** as follows:

> **"It may be said in a general way that the police power extends to all the public needs. It may be put forth in aid of what may be sanctioned by usage, or held by the prevailing morality or strong and preponderant opinion to be greatly and immediately necessary to the public welfare."**

These definitions concede to the Legislature the power of enacting such reasonable laws as have for their purpose the regulation or prohibition of any matter or thing or condition which tends to injuriously affect the health or morals or welfare of the public. This principle is so well established and firmly grounded as to render useless any argument or citation of authority, other than mere definitions.

In cases of this kind, as in this case, this principle is conceded. The controversy usually, as here, arises as to the application of the principle to the facts of the particular case.

It will presently appear that the real controversy on this branch of the case is whether the act in question is justified on the ground of tending to protect and preserve the public health or morals or welfare. The assertion of appellant is that neither the public health nor morals nor welfare are in the

least degree concerned with or affected by the conditions the Act is designed to correct or by the enforcement of the statute in question. On the other hand respondent asserts that the public health and morals and welfare are all vitally concerned in those conditions and in the enforcement of the Act.

Assuming that respondent is correct and that the Act is designed to and presumptively will remedy and correct conditions which are a menace to the public health and morals and welfare, would the fact that the enforcement of the Act took appellant's property without compensation or curtailed his freedom of contracting render it invalid? Unquestionably no. The private rights of the individual guaranteed by the constitution are ever held subject to the public necessities, and when once it is determined that the public need or welfare will be subserved by the enforcement of an Act, then it matters not that in such enforcement private property is taken or private rights are curtailed.

Justice Dunbar, in **State v. Buchanan, 70 Pac. 52-54**, explains this in the following language:

> "In the early history of the law, when employments were few and simple, the relative conditions of the citizen and the state were different, and many employments and uses which were then considered inalienable rights have since, from the very necessity of changed conditions, been subjected to legislative control, restriction, and restraint. This all flows from the old announcement made by Blackstone that when man enters into society as a compensation

> for the protection which society gives to him he must yield up some of his natural rights, and, as the responsibilities of the government increase, and a greater degree of protection is afforded to the citizen, the recompense is the yielding of more individual rights. Transportation companies are now controlled and restricted, where a few years ago they claimed the right to transact their business exactly as it suited their private interests. The practice of medicine is restricted and controlled; laws against quackery and empiricism are enforced without question. The sale of liquor, which formerly was a legitimate business, and which the citizen had a right to enter into as he did any other business, without any restrictions, has now become subject to the control of the state, or to actual prohibition at the will of the state. The changing conditions of society have made an imperative call upon the state for the exercise of these additional powers, and the welfare of society demands that the state should assume these powers, and it is the duty of the Court to sustain them whenever it is found that they are based upon the idea of the promotion and protection of society."

The Supreme Court of the United States has several times laid down the proposition that the Fourteenth Amendment did not take away or impair the police power of the States to enact such reasonable regulations as were deemed proper for the preservation of the public health and morals and welfare.

The first case of note on the subject is **Barbier v. Connolly, 113 U. S. 31**, where the constitutional-

ity of an ordinance of the City of San Francisco, adopted for the purpose of regulating laundries, was under discussion. The Court held that the measure was a valid exercise of the police power for the protection of the public health, and that the Fourteenth Amendment in no way prevented its exercise, even though the measure had the effect of taking property without compensation. In speaking for the Court, Justice Field said:

> "The Fourteenth Amendment, in declaring that no state 'shall deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws,' undoubtedly intended not only that there should be no arbitrary deprivation of life or liberty, or arbitrary spoilation of property, but that equal protection and security should be given to all under like circumstances in the enjoyment of their personal and civil rights; that all persons should be equally entitled to pursue their happiness, and acquire and enjoy property; that they should have like access to the courts of the country for the protection of their persons and property, the prevention and redress of wrongs, and the enforcement of contracts; that no impediment should be interposed to the pursuits of any one, except as applied to the same pursuits by others under like circumstances; that no greater burdens should be laid upon one than are laid upon others in the same calling and condition; and that in the administration of criminal justice no different or higher punishment should be imposed upon one than such as is prescribed to all for like offenses.

> "But neither the amendment—broad and comprehensive as it is—nor any other amendment, was designed to interfere with the power of the state, sometimes termed its police power, to prescribe regulations to promote the health, peace, morals, education, and good order of the people, and to legislate so as to increase the industries of the state, develop its resources, and add to its wealth and prosperity. From the very necessities of society legislation of a special character, having these objects in view, must often be had in certain districts, such as for draining marshes and irrigating arid plains. Special burdens are often necessary for general benefits—for supplying water, preventing fires, lighting districts, cleaning streets, opening parks, and many other objects. Regulations for these purposes may press with more or less weight upon one than upon another, but they are designed, not to impose unequal or unnecessary restrictions upon any one, but to promote, with as little individual inconvenience as possible, the general good."

The next case to be noticed is **Mugler v. Kansas, 123 U. S. 623, 8 Sup. Ct. Rep. 273,** where the constitutionality of an Act of the Legislature of Kansas prohibiting the manufacture and sale of intoxicating liquors was under discussion. The argument was advanced in the case that before the passage of the Act in question, the manufacture of beer was a legitimate business and that the brewers had erected large and valuable breweries, which would, by the Act, become of no value, and thereby much valuable property would be taken without process of law and without compensation. Though the

Court conceded that the manufacture and sale of beer had formerly been a legitimate business it was held that the Act was a valid exercise of the police power designed to protect the public health and morals and that the Act was not invalid because it rendered valueless property used in that business. Justice Harlan, in deciding the case, said:

> "It cannot be supposed that the states intended, by adopting that amendment, to impose restraints upon the exercise of their powers for the protection of the safety, health, or morals of the community. In respect to contracts, the obligations of which are protected against hostile state legislation, this Court in Union Co. v. Landing Co. 111 U. S. 751, 4 Sup. Ct. Rep. 652, said that the state could not, by any contract, limit the exercise of her power to the prejudice of the public health and the public morals. So, in Stone v. Mississippi, 101 U. S. 816, where the constitution was invoked against the repeal by the state of a charter, granted to a private corporation, to conduct a lottery, and for which that corporation paid to the state a valuable consideration in money, the Court said: 'No legislature can bargain away the public health or the public morals. The people themselves cannot do it, much less their servants. * * * Government is organized with a view to their preservation, and cannot divest itself of the power to provide for them.' Again, in Gas-Light Co. v. Light Co. 115 U. S. 650, 6 Sup. Ct. Rep. 252: 'The constitutional prohibition upon state laws impairing the obligation of contracts does not restrict the power of the state to protect the public health, the public morals, or the public safety, as the one

> or the other may be involved in the execution of such contracts. Rights and privileges arising from contracts with a state are subject to regulations for the protection of the public health, the public morals, and the public safety, in the same sense, and to the same extent, as are all contracts and all property, whether owned by natural persons or corporations.'
>
> "The principal that no person shall be deprived of life, liberty or property without due process of law, was embodied, in substance, in the constitutions of nearly all, if not all, of the states at the time of the adoption of the Fourteenth Amendment; and it has never been regarded as incompatible with the principle, equally vital, because essential to the peace and safety of society, that all property in this country is held under the implied obligation that the owner's use of it shall not be injurious to the community."

> "As already stated, the present case must be governed by principles that do not involve the power of eminent domain, in the exercise of which property may not be taken for public use without compensation. A prohibition simply upon the use of property for purposes that are declared, by valid legislation, to be injurious to the health, morals, or safety of the community, cannot in any just sense, be deemed a taking or an appropriation of property for the public benefit. Such legislation does not disturb the owner in the control or use of his property for lawful purposes, nor restrict his right to dispose of it, but is only a declaration by the state that its use by any one, for certain forebidden purposes, is prejudicial to the public interests. Nor can legislation of that

character come within the Fourteenth Amendment, in any case, unless it is apparent that its real object is not to protect the community, or to promote the general well-being, but, under the guise of police regulation, to deprive the owner of his liberty and property, without due process of law."

The next case we will refer to is the case of **Muller v. Oregon, 208 U. S. 412, 28 Sup. Ct. Rep. 324,** where the constitutionality of a statute of the State of Oregon fixing a maximum upon the hours of labor for women was in controversy. The Court, in a brief opinion, found no difficulty in affirming this Court and in sustaining the law. Justice Brewer delivered the opinion and in doing so tersely stated the doctrine we are contending for in these words:

> "It is undoubtedly true, as more than once declared by this Court, that the general right to contract in relation to one's business is part of the liberty of the individual, protected by the Fourteenth Amendment to the Federal Constitution; yet it is equally well settled that this liberty is not absolute and extending to all contracts, and that a state may, without conflicting with the provisions of the Fourteenth Amendment, restrict in many respects the individual's power of contract."

The next case to be noticed is that of **Noble State Bank v. Haskell, 219 U. S. 104,** where the constitutionality of a statute enacted by the Legislature of Oklahoma requiring the payment of contributions by banks toward a Depositor's Guaranty Fund for the protection of depositors, was under

discussion. Upon the ground that the Legislature of Oklahoma had declared free banking a public danger and it was not palpable or beyond doubt that such was not true, the Court held the Act to be a proper exercise of the police power to avert the danger to the public threatened thereby. Justice Holmes, in delivering the opinion, says:

> "In answering that question we must be cautious about pressing the broad words of the Fourteenth Amendment to a drily logical extreme. Many laws which it would be vain to ask the Court to overthrow could be shown, easily enough, to transgress a scholastic interpretation of one or another of the great guarantees in the Bill of Rights. They more or less limit the liberty of the individual or they diminish property to a certain extent. We have few scientifically certain criteria of legislation, and as it often is difficult to mark the line where what is called the police power of the State is limited by the constitution of the United States, Judges should be slow to read into the latter a nolumus mutare as against the law-making power."
>
> "There are many things that a man might do at common law that the States may forbid. He might embezzle until a statute cut down his liberty. We cannot say that the public interests to which we have adverted, and others, are not sufficient to warrant the State in taking the whole business of banking under its control. On the contrary we are of opinion that it may go on from regulation to prohibition except upon such conditions as it may prescribe. In short, when the Oklahoma Legislature declares by implication that free

> banking is a public danger, and that incorporation, inspection and the above described co-operation are necessary safeguards, this Court certainly cannot say that it is wrong."

To sustain our point that whenever it appears that an Act has for its purpose the protection or advancement of the public health or morals or welfare the fact that it seemingly amounts to a taking of property or impairing the freedom of contract does not invalidate the enactment, we call attention to but one additional authority, for we believe no case of weight can be produced to the contrary. That authority is **State v. Muller, 48 Or. 252,** where the maximum hour law for women was held by this Court to be constitutional. In delivering the opinion in said case, Chief Justice Bean, in referring to the Fourteenth Amendment, said:

> "But the amendment was not designed or intended to limit the right of the state, under its police power, to prescribe such reasonable regulations as may be necessary to promote the welfare, peace, morals, education or good order of the people, and therefore the hours of work in employments which are detrimental to health may be regulated by the Legislature."

We now wish to point out the fallacy of an argument made by counsel on this subject. Under subdivision III. of Appellant's brief, and beginning on page 25 thereof, an attempt is made to distinguish between destroying property in the exercise of the police power, as was done in the case of **Balch v. Glenn, 85 Kan. 735, 119 Pac. 67,** and the taking of it and giving it to others.

Balch v. Glenn is a case where the trees of an orchard affected with San Jose scale were destroyed under the police power. Counsel admits that might be done, but argue that those same trees could not be taken and given to some one else. Just where the alleged distinction lies is not clearly indicated. If the trees may be destroyed for the protection of the public, so may they be given to some other person if that be necessary to protect the public. The only distinction made by Counsel is in the necessity and not in the power. We say if the necessity existed the power existed to give the trees to another.

Upon page 26 of Appellant's Brief, counsel reach the central idea of their contention and of their distinction between destroying property under the police power, which they say can be done, and the giving of it to another, which they say cannot be done. They claim the doctrine of the cases we have referred to do not apply to this case because the Act in question here gives appellants' property to other persons instead of destroying it. They say:

> "We venture the assertion that no case will be found in the books that upholds the right or power of the Legislature to take any character of property from one citizen who owns it and give it to another on the theory that by so doing the public health, morals or safety will be promoted."

This quotation and all of counsels' argument show how far afield they are. There is no taking of appellant's property whatsoever. Appellant is

engaged in using the labor of women. Nothing in this law compels him to continue using the labor of women or of paying them any particular wages. The law, however, does regulate the employment of women and imposes a condition upon such employment. Appellant need not employ women at all; but if he does he must comply with the reasonable regulation of paying them a "living wage."

Counsel challenge us to produce a case; and in response we invite their attention to **Noble State Bank v. Haskell, supra.** There the law exacted from banks a payment of 1 per cent of their deposits for the purpose of creating a Depositors' Guaranty Fund. The banks were required to pay out this actual money, and the same argument was made that the law could not require the banks to actually pay their money out to another. Justice Holmes very concisely dismissed this argument by saying that the law did not compel the banks to pay the money, and that the only requirement was that the banks must pay it if they continued in business, and that they could avoid the payment by discontinuing business, and that such condition might be imposed under the police power. On page 580 of 219 U. S., in the opinion on the motion for a rehearing, Justice Holmes says:

> "For in this case there is no out and out unconditional taking at all. The payment can be avoided by going out of the banking business, and is required only as a condition for keeping in, from corporations created by the state. We have given what we deem sufficient reasons for holding that such a condition may be imposed."

In the present case the legislature does not attempt to regulate the paper box business, but does attempt to regulate the employment of women in any business. No one is required to employ any women at all; but those who do must comply with the regulation that the women employed be paid a "living wage."

We are curious to learn by what process of reasoning counsel will dispose of this Noble State Bank case on this point.

Without further prolixity and without further citation of authorities we announce the doctrine we contend for thus:

> **When it is established that an Act has for its purpose the protection of the public health or the public morals or the public welfare, and its enforcement is calculated to accomplish that purpose the Fourteenth Amendment is not violated thereby.**

The next inquiry is who determines when an act does have such beneficent objects and whether its enforcement is likely to carry them out? Who is to say when it is necessary to protect public health or morals or welfare and by what means that protection shall be accomplished?

(b) **The Respective duties of Legislatures and Courts.**

The answer to the questions last propounded is that the legislature has the sole and exclusive power of determining when it is necessary to protect or guard the public health and morals and welfare and of determining what means are proper to that end.

This is far from saying that the legislature may act arbitrarily or capriciously or may declare an act necessary to preserve the health or morals or welfare of the public when it is **palable or beyond dispute** that such is not the object or tendency thereof. When that point is reached by the legislature, the courts will interpose and declare the act void.

There are likewise limitations to the power of the courts in this regard. They cannot substitute their judgments for that of the legislatures as to the wisdom or necessity or tendency of the act. They are limited to one single power. Whenever the world's experience or common knowledge establishes that it is **palpable and beyond doubt** that the things sought to be regulated or the means adopted in the regulation thereof do not affect the public health or morals or welfare, then the courts may declare the act invalid but before they can so declare it must be **palpable and beyond doubt** that such is the case. This issue is not to be decided upon the preponderance of the evidence; for, if there be any doubt or debatable ground, the courts cannot interfere and the legislative finding is conclusive.

The world's experience or common knowledge is a constantly changing thing. Experience increases with time and knowledge grows with experience. Things which were unknown a century or a quarter century ago are now familiar to us all. A child of ten years of age today knows more of telephones and street cars and electric lights and railroads and steamboats than did the most learned mature savant of two hundred years ago. The sanitary and economic conditions of 1814 would be intolerable today. We no longer bleed the sick or keep the fevered artificially heated. The world's experience during the progress of an advancing civilization has taught us much. The common knowledge of today is not the same as that of yesterday, but has been increased by one day's experience. The power of government, termed the police power, being based upon common knowledge of what is injurious to health or safety or morals or welfare of the public must of necessity be as elastic as is that common knowledge itself. When our experience, gained through a number of years of progressive civilization, has taught us that certain matters are publicly injurious in any of these respects, then the police power expands to meet the necessity caused by our increased knowledge.

The power to decide what is and what is not injurious to the public health or morals or welfare is, as we have said, in the legislature. It first decides that question. Then the courts may decide

this question: Does the world's experience or common knowledge affirmatively demonstrate that the matter involved is **not** injurious to the public health or morals or welfare? If it is **not**, the legislature's enactment is arbitrary and without warrant or authority. But unless the courts can affirmatively say that it has been demonstrated by common knowledge or the world's experience that the matter involved is **not** injurious to the public health or morals or welfare, the legislature's finding on the subject must stand.

The idea we have thus pursued is well expressed by Justice Gantt, in the famous baking powder case of **State v. Layton, 61 S. W. 171-177,** where he says:

> "What, then, is the test when the constitutionality of an act of the legislature is assailed as invading the right of the citizen to use his faculties in the production of an article for sale for food or drink? We answer that, if it be an article so universally conceded to be wholesome and innoxious that the court may take judicial notice of it, the legislature, under the constitution, has no right to absolutely prohibit it; but, if there is a dispute as to the fact of its wholesomeness for food or drink, then the legislature can either regulate or prohibit it. The constitutionality of the law is not to be determined upon the question of fact in each case, but the courts determine for themselves upon the fundamental principles of our constitution, which vests the legislative power in the general assembly, and the rule of construction, adopted by our courts, 'that an act of the legislature is not to be declared void unless the violation of the constitution is so manifest as to leave no room for reasonable doubt.' Com. v. Smith, 4 Bin. 117; Cooley, Const. Lim. (6th Ed.) 216; State v. Nelson (Ohio Sup.) 39 N. E. 22. The cases abound, in the greatest courts, state and federal, in which this limitation has been set upon their own authority by the greatest judges who have illumined our jurisprudence."

The following language of Justice Harlan in deciding the vaccination case of **Jacobson v. Massachusetts, 25 Sup. Ct. Rep. 358-363,** is also to the same effect, to-wit:

> "What everybody knows the court must know, and therefore the State court judicially knew, as this court knows, that an opposite theory accords with the common belief, and is maintained by high medical authority. We must assume that, when the statute in question was passed, the legislature of Massachusetts was not unaware of these opposing theories, and was compelled, of necessity, to choose between them. It was not compelled to commit a matter involving the public health and safety to the final decision of a court or jury. It is no part of the function of a court or a jury to determine which one of two modes was likely to be the most effective for the protection of the public against disease. That was for the legislative department to determine in the light of all the information it had or could obtain. It could not properly abdicate its function to guard the public health and safety. The State

legislature proceeded upon the theory which recognized vaccination as at least an effective, if not the best known, way in which to meet and suppress the evils of a smallpox epidemic that imperiled an entire population. Upon what sound principle as to the relations existing between the different departments of government can the Court review this action of the legislature? If there is any such power in the judiciary to review legislative action in respect of a matter affecting the general welfare, it can only be when that which the legislature has done comes within the rule that, if a statute proporting to have been enacted to protect the public health, the public morals, or the public safety, has **no real or substantial relation to those objects**, or is, beyond all question, a plain, palpable invasion of rights secured by the fundamental law, it is the duty of the courts to so adjudge, and thereby give effect to the constitution."

We will also quote the language of Justice Harlan in **Mugler v. Kansas**, on pages 296 and 297 of 8. Sup. Ct. Rep., to-wit:

"But by whom, or by what authority, is it to be determined whether the manufacture of particular articles of drink, either for general use or for the personal use of the maker, will injuriously affect the public? Power to determine such questions, so as to bind all, must exist somewhere; else society will be at the mercy of the few, who, regarding only their own appetites or passions, may be willing to imperil the peace and security of the many, provided only they are permitted to do as they please. Under our system that power is lodged

with the legislative branch of the government. It belongs to that department to exert what are known as the police powers of the state, and to determine, primarily, what measures are appropriate or needful for the protection of the public morals, the public health, or the public safety."

In **State v. Muller, 48 Or. 255**, Chief Justice Bean adopts the rule announced in the Jacobsen case, supra, and says:

"The legislature may not, therefore, unduly interfere with the liberty of contract, or arbitrarily limit the right of a citizen to enter into such contracts as to him may seem expedient or desirable; but it may prescribe reasonable regulations in reference thereto and limitations thereon to promote the general welfare and guard the public health, and the power of the courts to review such regulations exists only 'when that which the legislature has done comes within the rule that if a statute, purporting to have been enacted to protect the public health, the public morals, or the public safety, has no real or substantial relation to those objects, or is beyond all question a plain, palpable invasion of rights secured by the fundamental law:' Jacobson v. Massachusetts, 197 U. S. 11, 31 (25 Sup. Ct. 358, 49 L. Ed. 643)."

The doctrine that it must appear beyond a reasonable doubt that the legislative act has no substantial relation to the protection or conservation of the public health or morals or welfare before the courts will declare it unconstitutional was briefly stated by Mr. Justice Washington, in the early case

of **Ogden v. Saunders, 12 Wheat. (U. S.) 270,** in these words:

> "But if I could rest my opinion in favor of the constitutionality of the law on which the question arises on no other ground than this doubt so felt and acknowledged, that alone would, in my estimation, be a satisfactory indication of it. It is but a decent respect due to the wisdom, the integrity, and the patriotism of the legislative body by which any law is passed, to presume in favor of its validity, until its violation of the constitution is proved **beyond all reasonable doubt.**"

In Laurel Hill Cemetery v. San Francisco, 216 U. S. 358; 30 Sup. Ct. Rep. 301, the same rule is forcibly expressed. In that case the validity of an ordinance of San Francisco forbidding the burial of the dead within the city limits was in dispute. The plantiff in error sought to prove that the burial of the dead did not tend toward injury to public health or safety and offered the testimony of experts on that subject. It was held, however, that it was not a matter of preponderance of testimony and that the courts should defer to and be bound by the opinion of the law making power unless the same was obviously erroneous. In the opinion in that case which rather apologizes for the Lochner case, Justice Holmes says:

> "If every member of this bench clearly agreed that burying grounds were centers of safety, and thought the board of supervisors and the Supreme Court of California wholly wrong, it would not dispose of the case. There

> are other things to be considered. Opinion may still be divided, and if, on the hypothesis that the danger is real, the ordinance would be valid, we should not overthrow it merely because of our adherence to the other belief. Similar arguments were pressed upon this Court with regard to vaccination, but they did not prevail. On the contrary, evidence that vaccination was deleterious was held properly to have been excluded. Jacobson v. Massachusetts."

And in **Otis v. Parker, 187 U. S. 606, 608 and 609, 23 Sup. Ct. Rep. 168 and 170,** Justice Holmes voices the same idea, as follows:

> "While the courts must exercise a judgment of their own, it by no means is true that every law is void which may seem to the judges who pass upon it, excessive, unsuited to its ostensible end, or based upon conceptions of morality with which they disagree. Considerable latitude must be allowed for differences of view, as well as for possible peculiar conditions which this Court can know but imperfectly, if at all. Otherwise a constitution, instead of embodying only relatively fundamental rules of right, as generally understood by all English-speaking communities, would become the partisan of a particular set of ethical or economical opinions, which by no means are held semper ubique et ab omnibus."

The substance of the various expressions of the courts is that the wisdom and correctness of a legislative finding and determination as to the necessity and means of protecting the public health, morals and welfare is binding and conclusive, except only

in those cases where **it is palpable and beyond doubt** that the means adopted do not tend toward such protection or that the evil sought to be remedied has no substantial relation to said public health or morals or welfare. The presumption which flows from the legislative action is that the evil sought to be remedied does injuriously affect said public health or morals or welfare and that a necessity exists for a remedy and that the means or regulations prescribed are calculated and tend to cure the evil. The constitutionality of the statute is not to be determined by a preponderance of evidence upon those points. The courts may draw from that great source of information, common knowledge and the world's experience, to determine if it is **beyond all reasonable doubt** or is **palpable** that the act in question **does not** prescribe regulations which tend to remedy an evil which in fact injuriously affects the public health or morals or welfare, but if the inquiry fails to convince that it is **palpable** or **beyond reasonable doubt** that such is the case, the legislative finding and determination must not be disturbed.

The Jacobson case fully sustains these views. The act under consideration there provided for the vaccination of all the inhabitants of any city or town whenever the board of health thereof should deem it necessary for public health and safety. The appellant offered to prove that vaccination did not tend to prevent the spread of smallpox and did tend to injure the person vaccinated. The Court, however, regarded these offers as merely introducing the element of doubt and as showing

that whether or not vaccination tended to protect health was a debatable question, and the finding of the legislature was held to be conslusive because the Court had not the right to weigh the evidence of conflicting opinions on the efficacy of vaccination and base a decision upon a preponderance one way or the other.

We therefore earnestly contend that the burden is upon appellant to show that the world's experience and common knowledge are such that the act under discussion is palpably and beyond a reasonable doubt one that will not tend in its enforcement to protect or conserve the public health or morals or welfare.

Before proceeding to establish that common knowledge and the world's experience demonstrate that the evils this "Minimum Wage Law" is designed to remedy are in actual existence and injuriously affect the health and the morals and the welfare of the public and that the remedy it provides does tend to protect and conserve those matters of vital interest to government, we want to direct attention to the effect of the fact that the Act is limited in its scope and extent to adult women only.

The Act is designed to protect the health and morals of working women by regulating certain features of their employment. Said regulation consists in making it a condition of their employment that they be paid a **"living wage"**—i. e., such a wage as is "adequate to supply the necessary cost of liv-

ing and to maintain them in health." The words within the last quotation marks are those of the Act. The questions to be answered by this Court are: (1) Does the employment of women at less than such a "living wage" exist to such a degree and extent as to tend to injure the health or corrupt the morals of the women workers? and (2) Will an enforcement of the provisions of the Act tend to cure the evil and protect and conserve the health and morals of such women workers? Unless it is **palpable and beyond doubt** that the answer to these questions must be in the negative, the affirmative answers of the legislature evidenced by the enactment of the law are binding and conclusive on this tribunal.

All the authorities now recognize a warranted solicitude on the part of government for the health and morals of women different from and stronger than that entertained for the health and morals of men.

Women are naturally weaker physically than men. They have, from time immemorial been dependent upon men. They are the mothers of the nation and upon them and their fit physical condition depends the survival of the race itself.

This important difference between women and men was forcibly stated by Justice Brewer, speaking for the Supreme Court of the United States in affirming the opinion of this Court in **Muller v. Oregon, 208 U. S. 412,** 28 Sup. Ct. Rep., 324, in the following language:

"That woman's physical structure and the performance of maternal functions places her at a disadvantage in the struggle for subsistence is obvious. This is especially true when the burdens of motherhood are upon her. Even when they are not, by abundant testimony of the medical fraternity, continuance for a long time on her feet at work, repeating this from day to day, tends to injurious effects upon the body, and, as healthy mothers are essential to vigorous offspring, the physical well-being of woman becomes an object of public interest and care in order to preserve the strength and vigor of the race.

"Still again, history discloses the fact that woman has always been dependent upon man. He established his control at the outset by superior physical strength, and this control in various forms, with diminishing intensity, has continued to the present. As minors, though not to the same extent, she has been looked upon in the courts as needing especial care that her rights may be preserved. Education was long denied her, and while now the doors of the schoolroom are opened and her opportunities for acquiring knowledge are great, yet even with that and the consequent increase of capacity for business affairs it is still true that in the struggle for subsistence she is not an equal competitor with her brother. Though limitations upon personal and contractual rights may be removed by legislation, there is that in her disposition and habits of life which will operate against a full assertion of those rights. She will still be where some legislation to protect her seems necessary to secure a real equality of right. Doubtless there are individual excep-

tions, and there are many respects in which she has an advantage over him; but looking at it from the viewpoint of the effort to maintain an independent position in life, she is not upon an equality. Differentiated by these matters from the other sex, she is properly placed in a class by herself, and legislation designed for her protection may be sustained, even when like legislation is not necessary for men, and could not be sustained. It is impossible to close one's eyes to the fact that she still looks to her brother and depends upon him. Even though all restrictions on political, personal, and contractual rights were taken away, and she stood, so far as statutes are concerned, upon an absolutely equal plane with him, it would still be true that she is so constituted that she will rest upon and look to him for protection; that her physical structure and a proper discharge of her maternal functions—having in view not merely her own health, but the well-being of the race—justify legislation to protect her from the greed as well as the passion of man. The limitations which this statute places upon her contractual powers, upon her right to agree with her employer as to the time she shall labor, are not imposed solely for her benefit, but also largely for the benefit of all. Many words cannot make this plainer. The two sexes differ in structure of body, in the functions to be performed by each, in the amount of physical strength, in the capacity for long continued labor, particularly when done standing, the influence of vigorous health upon the future well-being of the race, the self reliance which enables one to assert full rights, and in the capacity to maintain the struggle for subsistence. This difference justifies a difference in legislation, and upholds that which

is designed to compensate for some of the burdens which rest upon her."

In view of the holding of the courts of last resort of this State and this Nation in the Muller case we shall not here quote from any of the many decisions of other courts cited in our Points and Authorities which sustain maximum hour laws for women on the ground of this fundamental distinction between men workers and women workers.

Returning to our main argument, we will endeavor to show that the world's experience and common knowledge demonstrate that the employment of women at less than a "living wage" is injurious to their health, and corrupting to their morals and that the regulation of the employment of women by requiring the payment to them of a "living wage," has a profound tendency toward protecting their health and conserving their morals.

(c) THE PUBLIC HEALTH ASPECT.

Taking the case of an imaginary individual working woman, as a representative of all women, and applying to her particular case the conceded and adjudged powers of government for the protection of her health, we find that this police or governmental power is broad enough to cover and warrant remedial legislation of various kinds.

To protect and preserve her health courts have sustained, as a proper exercise of the police power, laws prohibiting the dumping of sawdust into

streams (**State v. Griffin, 39 Atl. 260**), and laws prohibiting the dumping of garbage on the banks of rivers (**Balch v. Utica, 168 N. Y. 651, 61 N. E. 1127**), and laws prohibiting the maintenance of privy vaults (**Harrington v. Board, 38 Atl. 1**), and laws prohibiting the maintenance of dairy or cow stables (**St. Louis v. Fischer, 167 Mo. 654, 67 S. W. 872**), and laws prohibiting the use of alum in baking powder (**State v. Layton, 160 Mo. 474, 61 S. W. 171**), and laws regulating the manufacture and sale of food (**Walker v. Pennsylvania, 127 U. S. 699**), and laws regulating or prohibiting the manufacture and sale of intoxicating liquors (**Mugler v. Kansas, 123 U. S. 623**), and laws **prohibiting the sale of cigarettes** (**Austin v. Tennessee, 179 U. S. 343**), and laws regulating cemeteries and the burial of the dead (**Ex parte Wygant, 39 Or. 429**), and laws requiring and causing the construction and maintenance of drains (**Seely v. Sebastian, 4 Or. 25**), and laws regulating druggists and the sale of drugs (**Com v. Zacharias, 37 Atl. 185**), and laws regulating the handling of explosives (**Standard Oil Co. v. Danville, 64 N. E. 1110**).

Though the prohibition and regulation of these and many kindred subjects are held proper governmental safeguards to the health of working women, appellant insists that the payment to them of a wage which is "**inadequate to supply the necessary cost of living and to maintain them in health**" does not concern their health sufficiently to justify legislative action to secure them a "**living wage.**" This contention of appellant is overwhelmingly refuted

by the data and statistics contained in the able and comprehensive appendix of Louis D. Brandeis and Josephine Goldmark filed herein with the briefs in behalf of respondent.

We earnestly solicit an examination of that Appendix under the heading "The Evils of Low Wages" and the sub-heading "A. Physical Aspect." The world's experience is there set forth and a consideration thereof must persuade the most skeptical that the practice of employing women at less than a "living wage" is one of the greatest enemies of the health of working women. This Appendix shows that inadequate wages mean want of nourishment and lack of care in sickness for the recipient thereof and cause misery and inefficiency in the women of one generation and deterioration in the men and women of following generations.

"Health," it is there said, "is the foundation of the State. Where the health of women has been injured in industrial work, not only is the working efficiency of the community impaired, but the deterioration is handed down to succeeding generations. The health of the race is conditioned upon preserving the health of women, the future mothers of the Republic."

It is unnecessary for us to quote from this Appendix. It is offered in its entirety as part of respondent's argument. It does not deal with theories. It sets forth cold unsentimental facts, which disclose a sad economic condition in connection with

the employment of women workers in this country. It shows that a large and important class of our public are under-paid and under-fed and insufficiently clothed and poorly lodged and unable to buy medicine when sick.

We do not need expert testimony to tell us that these conditions will soon tear down the strongest constitutions and wreck the health and the spirits of the present generation and impress an indelible stamp for the bad upon succeeding ones. And this festering sore on the vitals of the nation has come to be known and understood and the public clamor for a remedy is almost universal. It is no longer only the students of labor problems who protest against these conditions. Today from every walk of life is heard the demand that employers of women pay them a "living wage."

We are awaking to the fact that industries which cannot prosper except upon the labor of underpaid and underfed women are parasites that sap the vigor of the community in which they exist. They levy toll upon and extract sustenance from the health and virility and stamina of this and future generations of our people. They require the women of today to sacrifice their health upon the altar of their greed; and they blight the next generation with a degeneracy of physical and mental vigor to swell their present profits.

And yet we are informed that this practice of employing women at less than a "living wage"

cannot be prohibited by the State because such prohibitation will deprive appellant of what he is pleased to term his property. The world's experience and common knowledge show that this traffic in the labor of underpaid women is a most potent factor for evil to the public health.

Of what avail is it that we guard this working woman's health with all the laws we mentioned above if we have not the power to regulate a traffic which deals with her health as its chief asset and commodity; if we have not the power to protect her from starvation?

The answer is obvious. The State has the undoubted power to stop this business of employing women at less than a "living wage" because it is a business which thrives at the expense of the health of the nation. Because of their weakness and their maternal functions these working women are wards of the State; and their health and virility is a matter of such public concern that the State can and should regulate the employment of their labor in any manner proper for the protection and preservation of that health and virility.

Appellant says that this safeguarding and protection of the health of women of the nation should not be at his expense and that the State should not take his property and use it for that purpose. This argument almost makes the blood boil. It is based upon the parasitic idea we have just mentioned. It is a contention that the money necessary to sup-

port these women workers over and above the less than "living wage" he pays them, which his business has been exacting from their fathers and their brothers and their sweethearts and the public, is his property.

These women workers must live. They must get wherewith to live. If their employers fail to pay them enough to live on, the deficit must come from somewhere. Their fathers and brothers and friends and the public must supply that deficit. And that deficit has been so contributed and has been such a source of profit to those employers for so many years that they now claim it as their property.

If appellant uses, as he does, all the labor and energy of a number of women in his business, should he not pay them enough to live on? When economic conditions have come to such a pass that appellant may utilize to the utmost the labor and energy of women workers and exact from the public a part of the sum necessary for their maintenance, it is certainly a sad commentary on our constitutions if they can be successfully invoked to enable him to continue reaping the benefit of those exactions on the ground that they are **his property** and cannot be taken from him without compensation.

Resuming the thread of our argument, we contend that the experience of the world, as demonstrated by the authoritative data and statistics we have produced, is such that this Court cannot say that inadequate wages to women workers does not

injuriously affect the public health. The legislature, by its enactment of this Minimum Wage Law, has found that the tendency of such inadequate wages is to injure the public health and corrupt the public morals, and has, by the preamble to that law, expressly based its action upon those grounds. Will this Court say in the face of these data and statistics that it is palpable and beyond reasonable doubt that such inadequate wages do not have said tendency?

As shown by the cases cited in our Points and Authorities, all the courts of this country are in harmony on the proposition that a statute fixing maximum hours of labor for women is a proper exercise of the police power and is not in conflict with the Fourteenth Amendment. It was Oregon's proud distinction to have her law on that subject sustained by the highest court of this land. For awhile, Illinois sounded a discordant note. But she joined in the chorus of approval of such wholesome progressive legislation when the decision in **Ritchie v. Wayman, 244 Ill. 509**; reversed the holding of **Ritchie v. People, 155 Ill. 98, 40 N. E. 454**; and that reversal was induced by the judicial triumph of that law of Oregon.

We believe these authorities are decisive of this branch of the case at bar. They certainly clearly decide that the employment of women workers may be regulated under the police power of the State. It is true that the regulation in those cases was different from the regulation here; but the rationale of those cases is that the subject matter—i. e., the

employment of women workers—may be regulated. Conceding that the regulation of the employment of women workers in **some** particulars is valid because proper for the protection of the public health, it follows as the night the day that such employment may be regulated in any particular that tends to the protection of said public health.

Appellant undertakes in his brief to distinguish between a regulation fixing maximum hours and a regulation requiring a "living wage." The sum total of counsels' effort is to make clear what we already knew—i. e., that the regulations are different in kind but the same in principle.

What seems to be overlooked is the underlying principles of the maximum hour cases. They hold that the employment of women workers may be regulated because without regulation such employment may tend to deleteriously affect the public health. They hold that a regulation limiting the hours of employment of women workers is a valid exercise of the police power because it operates to preserve and protect the public health. Is the principle not the same and do these authorities not uphold it when we assert that a regulation which imposes a condition upon the employment of women that they be paid a "living wage," is a valid exercise of the police power because it operates to protect and preserve the public health?

It will be seen that the only difference in the cases is the difference in the kind of condition imposed upon the employment of the labor of women workers. In the one case the condition imposed is that the number of hours of labor shall not be greater than ten per day. In the present case the condition imposed is that the women workers shall be paid a "living wage." In neither case is there any requirement that women be employed at all, but in both cases the employment must conform to the conditions imposed.

The cases cited sustain as a valid regulation, the condition limiting the hours of labor because it tended to preserve the public health. The same authorities necessarily also sustain, as a valid regulation, the condition requiring a "living wage" because that condition also tends to preserve public health. In fact the latter condition has a greater tendency toward preserving the public health than the former.

These two conditions are inseparably connected. It is impossible to sustain a maximum hour law without basing its validity upon a legal principle, which, with equal force, applies to and sustains the requirements of a "living wage." In many of the statutes fixing maximum hours of labor on public works there are provisions that the rate of wage should not be decreased on account of the decrease in the hours of labor. This was said to render such statutes void on the same grounds as counsel urge here. But most if not all of the decisions on the subject uphold such laws, except of course, the isolated case of Street v. Varney Co., which is relied

upon by counsel. See **Atkin v. Kansas, 191. U. S. 207; 24. Sup. Ct. R. 124. Malette v. Spokane, 137 Pac.** ——, decided by the Supreme Court of Washington on December 31, 1913. **In re Dalton 61 Kansas, 257. Byars v. State, (Okla.) 102. Pac. 804.**

In the Washington case the inseparability of the powers to fix a maximum hour of labor and to fix a minimum wage, is expressly adverted to by Justice Ellis, where he says:

> "It is also true, as there stated, that 'laws fixing the hours of labor and providing that no less than the **going** rate of wages shall be paid under contracts such as we have before us, have been generally upheld.' To put the matter more exactly, we add that laws fixing the hours of labor have been generally upheld by the courts, even when coupled with the provision that the laborer shall receive for the shorter day prescribed a minimum of wages 'not less than the current rate of per diem wages in the locality where the work is performed.' Obviously this is a provision for pay **above** the 'going rate of wages' for the same amount of time."

Returning to counsels' argument that a woman's labor is or ought to be worth no more than it will bring in the open market, it will be seen that the basis of the contention is a denial of the **power** to regulate the employment of women at all. It is not based upon any difference between the condition of maximum hours and the condition of a "living wage." Counsel assert that labor is worth no more than it will bring in the open market. We reply

that the number of hours she is permitted to labor must materially affect that worth. And, if counsel concede the State has power to thus materially affect the value of women's labor, they have conceded away their point. If the State may materially affect the market value of the labor in the one instance, can there be any reason why it cannot do so in the other? The maximum hour laws, in the regulation of the employment of women, materially affect the "value on the block" of a woman's labor. The Minimum Wage Law does the same, no more nor less. Yet, counsel concede that the State may do the one, but stoutly contend that it may not do the other.

The truth of it is, as decided by the maximum hour cases, the State may do whatever is necessary or proper for the preservation of the health of women, whether it affects the value of the labor or not. Those matters are not essentials. The essential thing is that the regulation tends to preserve health. If it does, it is valid.

Counsel say that labor is a commodity and that its value, like other commodities, depends on the law of supply and demand. In this statement counsel forget that we are dealing with woman's labor. With that slight amendment we are in accord with counsels' premise that the value of the labor depends upon the law of supply and demand. That is to say this commodity is worth only what it will bring in the open market, subject to the conditions placed upon its employment by law. Dynamite is

also a commodity and its value depends upon the market. Regulations for the proper handling of dynamite necessarily make it more expensive. Yet the State has power to impose those regulations. Certain other explosives are required by law to be properly labeled. Such regulation adds to the expense of producing the commodity and therefore affects its value. Yet, undoubtedly, the State has power to impose such regulations. The worth of these commodities is the amount they will bring in the market after a compliance with the regulations.

In the present case the worth of the labor of women is the market value thereof under the conditions imposed by law, just as the worth of dynamite is its market value subject to the conditions imposed thereon by law. The fact, therefore, that the value of labor is determined by the market is no ground for denying the power of the State, in the interest of the public health, to regulate the employment of the labor of women workers.

It is a mere quibble to say that the wages paid to the women workers, however inadequate they might be, have no tendency to injure health, because they aid in the support of the worker to some extent. No one contends that the wages that are **paid** have any tendency toward injury to health or morals. It is the lack of a "living wage" which affects the health. It is the wage which is not but should be paid that is apt to produce the injury.

In the matter of authority and precedent counsel rely upon three cases: **Lochner v. New York, 198 U. S. 48,** and **The Matter of Jacobs, 98 N. Y. 98,** and **Street v. Varney Co. 160 Ind. 338; 61 L. R. A. 154,** from which decisions many passages are quoted in Appellant's Brief.

The Lochner case is known as the "Bakeshop Case" and bears the distinction of having attracted more adverse criticism from all walks of life, professional as well as lay, than any other case of modern times.

The Commission on Minimum Wage Boards of the State of Massachusetts in their Report of January, 1912, severely criticizes the Lochner case and stoutly maintains that the dissenting opinion therein is the law of the country today.

The following two quotations are taken from pages 22 and 24 of that report:

> "There can be no doubt, in the light of the decisions, that the Legislature has full constitutional power to enact such legislation (minimum wage laws for women). The authorities are plenary. Not even the Supreme Court of the United States, as constituted when it held the New York bakeshop act unconstitutional, would, apparently, have had any difficulty with this proposition; **and it is clear that that case registered** highwater mark in the tide of judicial veto of legislation."
>
> **"It is probably sound to say that the dissenting opinion in the bakeshop case** (Lochner v. New York, 198 U. S. 45) **is the law in this country today.** At any rate, after the decision in

> Noble State Bank v. Haskell, 219 U. S. 104, made in this current year, in which the Supreme Court by Holmes, J., laid down the police power in broader terms than ever before enunciated, there is no occasion for elaborate discussion and fine distinctions between the older decisions."

The Federal Supreme Court itself in the Muller case elaborately distinguishes the Lochner case by limiting its effect to the labor of men as distingushed from the labor of women, and the various State courts, in the cases we have cited, have likewise limited the Lochner case as applying to men alone, and as having no bearing upon such an Act as we are discussing.

The Jacobs case is similar to the Lochner, in this respect, and we deem it a sufficient disposal of these cases to point out that they allude solely to men. The authorities sustaining our position, however, expressly base their views upon the fact that there is a great and marked difference between men and women.

But even then there is a further distinction in the fact that in the Lochner case the world's experience and common knowledge sustained the proposition that a greater number of hours labor per day than the statutory number at the work involved therein was beyond dispute and palpably not injurious to the health of men. And in the Jacobs case the same experience demonstrated that health was not involved.

Much reliance is placed by counsel upon the case of **Street v. Varney Co., 160 Ind. 338; 61 L. R. A. 154.** There are several points of difference between that case and this one. The distinction between men and women was not there preserved or considered. And also the act was limited in its effect to unskilled labor. Unmindful of these distinctions, however, we say the decision is not law and the governing principle of it has been rejected by this Court in the case of **Ex parte Steiner, 137, Pac. 204,** and by the Supreme Court of the United States in the case of **Atkin v. Kansas, 191. U. S. 207; 24 Sup. Ct. R. 124,** and by the Supreme Court of Washington in **Malette v. Spokane, supra,** and by the Supreme Court of Kansas in the case of **In re Dalton 61 Kan. 257,** and by the Supreme Court of Oklahoma in the case of **Byars v. State, 102 Pac. 804.**

The Street v. Varney Co. case is hopelessly erroneous. There a minimum wage was prescribed for unskilled labor upon public works. The decision was that such a provision was invalid because it required taxpayers to pay arbitrary prices for the work done, which was not within the state's powers over its municipal agencies and because the distinction between "unskilled" and "skilled" labor was an unnatural classification, the Act was declared to be class legislation. The first proposition announced by the decision, as we have said, is contradicted by the cases we have cited above, particularly by those at the Washington, Kansas, Oklahoma and the Federal Supreme Courts. The final proposition is of no interest to us.

The proposition of interest in this case was not suggested in that one. The decision does not predicate the doctrine announced by it upon the ground that inadequate wages have no tendency to injure the health or morals of the public, but simply decides that the state's reserved power over its municipal agencies is not broad enough to authorize the Act. Even in that the Court was wrong. The question of the police power based upon protecting the health and morals of the women of the public was never suggested in the case.

Furthermore, and the most important distinction to be noted, is that the act under consideration in that case fixed an arbitrary minimum of 20 cents per hour, **instead of a "living wage."** Twenty cents per hour may or may not be adequate for a "living wage." If it was more than a "living wage," then the act was bad because it went beyond the needs of health and morals. If it was less, then it was bad because it did not accomplish the purpose in view.

We do not contend the State has power to fix an arbitrary wage. We say it has no such power. We do say, however, the State has power to prohibit a wage insufficient to preserve the women in their health and morals.

The difference is plain. And we make no doubt that if the Supreme Court of Indiana had under consideration an act designed to compel the payment of wages sufficient to protect the weakest

members of society in health and morals that the decision would have been that such act was valid. We say this because the same court that decided the Street case, about six months prior, decided the case of **International Co. v. Wessinger, 160 Ind. 349; 65 N. E. 521,** and the opinions in the two cases were written by the same justice. And in this latter decision an Act, which prohibited the assignment of future wages, was held valid, in the interest of the public welfare, because it was designed to protect the weak against the exactions of the loan shark.

A similar case is **Mutual Loan Co. v. Martell, 200. Mass. 482, 86 N. W. 916.** There the weakness and inability of one class to protect itself from the exactions of another was held to be a condition injuriously affecting the public welfare, to such extent, as to warrant the State's interference through the exercise of the police power. The decision sustains the constitutionality of a law which prohibits the assignment of future wages without the written consent of the employer and, in the case of a married man, without the consent of the wife. Upon appeal to the Federal Suprme Court this case was affirmed in every particular. **32 Sup. Ct. Rep. 74.**

These decisions are grounded on the power to protect the public welfare and should properly be discussed at a later place in our argument, but, in view of the fact that the circumstances therein considered as injuriously affecting the public welfare, were the weakness and inability of the laborers and wage earners to protect themselves from "imposition

and injustice at the hands of employers, unscrupulous tradesmen, and others, who are willing to take advantage of their condition," we refer to them here as sustaining our views. The inability of wage earners to prevent unjust exactions and tolls levied upon their health presents a situation no different from that of their inability to prevent unjust levies upon their salaries or wages.

Before concluding the "Physical Aspect" we will briefly notice the argument advanced under subdivision VI of Appellant's Brief.

The proposition there urged is that this legislation is unwise and its effect will be detrimental instead of advantageous to the class sought to be protected. The answer to this argument has already been dwelt upon with considerable fullnes. The wisdom of the act is something with which the courts will not concern themselves. Nor do we concede the correctness of counsels' premises. We are as certain that the enforcement of the legislation will not have the effect portrayed by counsel, as they are certain it will. The Massachusetts Commission of Minimum Wage Boards is also certain that counsel are in error. See report of January, 1912, page 25, title, "The Interest of the Employees."

The fact that counsel have the opinion that this legislation is all-advised and not efficaceous; and the fact, if such should be the fact, that this entire Court are of the same opinion, will not and cannot render the Act invalid.

The validity of the Act, as we have pointed out, cannot be determined by the preponderance of evidence or opinion on the facts in this way. If there be a contrarity of opinions as to the efficacy of this act, it is not the province of the Courts to decide which side has the best of the dispute. That matter rests entirely with the law making department. We have so fully covered that subject already that we feel nothing more need be said thereon.

(d) **The Public Morals Aspect.**

Much we have said and all the authorities we have cited concerning the physical aspect of the situation, should with propriety, be repeated here.

The State is quite as jealous of the morals of its citizens as it is of their health. And statutes having for their purpose and accomplishing in their enforcement the protection of the public morals, are uniformly upheld. We shall not cite further authority on that obvious proposition, but will devote our space to showing that the employment of women workers as conducted before the enactment of the Act in question, was fraught with real danger to the public morals; and that the regulation of such employment by imposing the reasonable condition thereon that a "living wage" be paid, tends effectually to avert that danger.

We find that many statutes designed to correct a variety of evils have been sustained on the ground of protecting the public morals. Gambling, lotteries, bawdy-houses, immoral literature and the employ-

ment of women in saloons and many similar evils have been validly prohibited on the ground of protecting the public morals.

Of what use is it that we prohibit and suppress these things in order to preserve morals, unless we may also regulate the employment of female labor in such a way as to make it improbable that the women workers be tempted to follow a life of sin as a means of supplying the necessities of life?

The world's experience and common knowledge afford ample testimony that an inadequate wage is one of the most potent factors in the corruption of the morals of our young women. The newspapers, both local and foreign, are editorially commenting upon this fact and demanding a remedy therefor.

The Portland Oregonian of January 23, 1914, in an editorial entitled "The Causes of Social Vice," forcibly shows, based upon the investigations of Dr. Flexner, that low wages is one of the great causes of prostitution.

The Oregonian, in the editorial mentioned, says:

> "Low wages have much to answer for in a score of different directions. Their direct influence, which is bad enough, is not by any means the worst. Dr. Flexner traces the evil which underpay entails through miserable lodgings, faulty associations at home and in the street, miserable food, by which the body is poorly nourished and the will weakened, unsatisfied craving for innocent amusement and the like. Slum lodgings which force children to grow up with no sense of modesty, are the direct consequence of low wages and high rents. Both these factors combine to wreck the souls and bodies of the poor. Dr. Flexner tells of a family which he visited in Edinburgh, composed of a father, mother, grandmother, a daughter of 13 years and two younger children, all of whom slept in the same bed, a state of things which could be due only to poverty. What chance had the women of that family to be decent? Such part of the social evil as low wages cause can be cured, of course, only by a better standard. Our minimum wage law ought to be of substantial help in fighting prostitution if Dr. Flexner's arguments are sound."

In an editorial of its issue of November 18, 1913, entitled "A World Scandal," the Portland Daily Journal paints the terrible picture of the results of that extreme poverty which denies to the person a decent living, which this Act in question is designed in part to alleviate. The Act itself was passed both by the House and the Senate without a dissenting vote; and since then it has, practically in its entirety, been enacted in the states of Washington and California. Massachusetts, Ohio and Colorado have also recently enacted similar laws, but Oregon has the distinction of having led all other states in responding to the popular and universal demand for a remedy for these intolerable conditions.

The evidence of the world's experience and common knowledge is amply sufficient to sustain the point that it is **palpable** and **beyond doubt** that the

employment of female labor, as it has been conducted, is highly detrimental to the public morals, and has a strong tendency to corrupt them. We need only to draw upon such experience and knowledge, however, to the extent of showing that it is **not palpable** and is **not beyond a reasonable doubt** that such employment and practices **have no such tendencies.** In which event, the determination of the Legislature that they **do have such tendencies** is conclusive on the courts.

We again invite an examination of the Appendix under the subhead "B. Moral Aspect," and an examination of the report of the Massachusetts Minimum Wage Boards, of January, 1912. Take the case of Annie, mentioned on pages 188 and 189 of the latter document. Annie's wage card gave her an average weekly earning of $3.20. Her room and board alone cost her $4.84 per week with an additional 25c for light. When asked by the Commission how she managed to pay more than she earned she began to cry bitterly and said, "But you know no girl can live on $6.00 a week, let alone the $2.50 which was all I had when I first had to support myself. No girl can get by on that. And it's awfully lonely without any of your own people." Poor Annie! What a tremendous toll was exacted from her by the parasitic employment which also absorbed her labor and energies! And let us not stop to consider how many Annies there may be, for fear indignation may warp our judgment.

There is quoted, in the Appendix, from page 307 of Elizabeth Beardsley Butler's book, "Women and

the Trades," the following statement, which, however nauseating it may be, common knowledge vouches for:

> "Yet the fact remains that, for the vast bulk of sales girls, the wages paid are not sufficient for self-support; and where girls do not have families to fall back on, some go under-nourished, some sell themselves. And the store employment which offers them this two-horned dilemma is replete with opportunities which in gradual, easy, attractive ways beckon to the second choice; a situation which a few employers not only seem to tolerate, but to encourage."

Investigations by welfare workers, by State Commissions and by Congress, merely add cumulative testimony. And no one disputes these facts. The appendix is not exhaustive, by any means, but details the results of some of these investigations with sufficient fullness to demonstrate that the payment of less than a "living wage" is one of the great causes of the moral corruption of women.

Shall the employment of female labor not be regulated? Why not? As it has been conducted, was it not a menace to the very foundation and stability of our government? The Act does not require appellant to employ women at all. But, if he does do so, he must comply with the reasonable conditions imposed by the State upon such employment. As Justice Holmes tersely remarked, he can avoid paying women a living wage by discontinuing the use of their labor.

(e). **The Public Welfare Aspect.**

Aside from the foregoing considerations, the Act may be sustained in the interest of the public welfare.

This view is predicated upon an idea suggested by the two following quotations from page 17 of the Report of the Massachusetts Commission of Minimum Wage Boards of January, 1912.

> "Women in general are working because of dire necessity, and in most cases the combined income of the family is not more than adequate to meet the family's cost of living. In these cases it is not optional with the women to decline low-paid employment. Every dollar added to the family income is needed to lighten the burden which the rest are carrying. **Whenever the wages of such a woman are less than the cost of living and the reasonable provision for maintaining the worker in health, the industry employing her is in receipt of the working energy of a human being at less than its cost, and to that extent is parasitic. The balance must be made up in some way. It is generally paid by the industry employing the father; it is sometimes paid in part by the future inefficiency of the worker herself and by her children, and perhaps in part ultimately by charity and the State.**"
>
> **"If an industry is permanently dependent for its existence on underpaid labor, its value to the Commonwealth is questionable."**

It is impossible to make something out of nothing. Labor, as counsel have said, is a commodity. It costs something. The actual cost of labor to its own-

er, the laborer herself, is the amount required to maintain her in health and vigor. In this she differs from a horse or other work animal only in the original expense of purchase. The cost of the labor of an animal is the cost of maintenance in health plus the purchase price of the animal. When a woman worker, because of her inability to protect herself, contracts her labor for less than such labor costs, the difference must be made up by some one. The father, the husband or the brother, out of their earnings from other industries, supply this deficit. To the unfortunate girls, who have no fathers or brothers to supply this requirement, is left the alternative of making up the deficit at the expense of her health or at the expense of her morals or from charity.

The industries that make a practice of paying less than a living wage to women, are, therefore, levying a tremendous unearned toll upon society. They utilize the labor of the women to the fullest extent, and the public pays for their maintenance. A tremendous profit is reaped out of this traffic. Many of the large fortunes piled up by department stores, where many girls are employed, represent the exactions thus mulcted from the various members of society who are in one way and another making up the deficiency between the cost of this labor and the inadequate wages paid therefor; they represent the premature loss of youth, the emaciation of body and weakening of mind of thousands of women workers; the degradation and corruption of the morals of many hundreds of girls; the deterioration and degeneracy of future generations of our citizenship is

also represented in these fortunes; they also represent the donations of charity.

Is there here not a matter of public interest? Does the public welfare not demand that these unjust exactions, not only of the money, but of the health and morals of the public cease? If the employer of a horse does not feed him, the horse starves and dies, unless under our laws for the prevention of cruelty to animals this employer is forced to feed him. But society and government cannot permit these underpaid workers to starve and die. Sympathy and humanity are noble sentiments and strong within us all. They urge us to aid these underpaid girls with our charitable donations. The love of the father and brother are also noble sentiments which impel the fathers and brothers to aid in the support of their underpaid daughters and sisters. These sentiments are made a matter of profitable exploitation by the employers. The more the father and brother and the charitable public can be made to contribute to the support of these employees the less the employers will pay them for their services. And the unfortunate women have no choice but to take what is offered. It is idle to say that they can quit and seek other employment, for go where they will this same condition meets them.

Where a girl is adrift, that is has no family to aid her, there are but two alternatives for her, starve or sell herself. In such cases the employers are exploiting and making money out of loss of health and out of the shame of these unfortunates.

An industry which cannot exist except upon such exploitation is a parasite of most dangerous character and has no value to or rights in our society. It is not a legitimate business but an unlawful public leach and should be stamped out. Every legitimate industry must be self-supporting, just as the sum of all industries must support all the workers therein. And when an industry falls short of this and seeks to gather support for its employees outside of itself, especially when that is partly at the expense of the health and morals of its women, public welfare is deeply and vitally concerned.

We earnestly contend that when the employment of female labor can be made and is made the method and means of exploiting the health and the morals of the women and the charitable and humanitarian sentiments of the public for gain, and money making, it should be regulated on the ground that the public welfare is thereby being outraged.

We believe the authorities sustain this view.

In the **Noble State Bank** case it was held that the entire banking business could be regulated or prohibited, except upon such terms as the State might dictate, because unregulated and free banking was dangerous to the public welfare.

In **Mutual Loan Co. v. Martell, supra,** both in the Supreme Judicial Court of Massachusetts and in the Supreme Court of the United States it was held that on the ground of protecting the public welfare the assignment of future wages without the consent of the employer or the wife might be prohibited.

In **International Co. v. Wessinger, supra,** it was held that the assignment of future wages might be validly prohibited on the ground of the caring for the public welfare.

The protection of the weak and helpless against the strong and the prevention of the weak becoming public charges is the fundamental idea in these cases.

We cannot better conclude this branch of the argument than with a quotation from the case of **International Co. v. Wessinger, supra,** as follows:

> "A large proportion of the persons affected by these statutes are dependent upon their daily or weekly wages for the maintenance of themselves and their families. Delay of payment or loss of wages results in deprivation of the necessaries of life, suffering, inability to meet just obligations to others, and in many cases may make the wage-earner a charge upon the public. The situation of these persons renders them peculiarly liable to imposition and injustice at the hands of employers, unscrupulous tradesmen, and others, who are willing to take advantage of their condition. Where future wages may be assigned, the temptation to anticipate their payment and to sacrifice them for an inadequate consideration is often very great. Such assignments would in many cases, leave the laborer or wage earner without present or future means of support. By removing the strongest incentive to faithful service, anticipation of pecuniary reward, in the near future, their effect would be alike injurious to the laborer and his employer."

II.

The Uniformity of the Act.

The next objection is made to the order of the Commission. The order made and promulgated by the Commission, is said to deny appellant the equal protection of the law and accords privileges and immunities to others, which, under like conditions, are not enjoyed by him.

Even if this was true, it would not be a valid objection to the Act, if it was found that the purpose and tendency thereof was to protect health or morals or welfare. The State in the proper exercise of the police power, with these objects in view, may not only take and destroy property and abridge the right of the individual to contract with others, but may also place upon one class burdens which are not borne by others or grant special privileges or immunities to some which are not enjoyed by all. The authorities already cited are clear on this point.

We undertake to say, however, that there is nothing in the Act itself, nor in the order made by the Commission, which operates to grant any special privileges or to impose any special burdens so as to amount to class legislation.

The Act fixes a standard and a minimum wage by requiring that women be paid such wages **"as will . . . be adequate to supply the necessary cost of living to women workers of average, ordinary ability and maintain them in health."** The require-

ment or condition acts uniformly throughout the State of Oregon upon all who employ women. A class, reasonable and necessary in its classification, is created and the law operates equally upon every person in that class. The class is composed of all persons who employ women. And the injunction of the law is that every one in that class must pay such wages. The commission has no power to exact a higher wage or to be satisfied with less than the standard fixed in the statute. Their office is to ascertain facts; to determine and declare in dollars and cents the amount of the minimum wage, according to the statutory standard, in the various localities of the State.

The fact that the minimum wage may vary in different sections of the State does not render the Act and its operation not uniform. The standard is the same everywhere and operates alike upon all. Everyone is required to pay a **"living wage."** It is true that a "living wage" may and does change in different sections, because it costs more to live in some places than in others. And appellant is not injured or discriminated against by the order of the Commission determining the wage in the locality in which appellant's business is situated, unless the Commission has by order permitted other localities to employ women at less than a "living wage." The mere fact that the minimum wage has been ascertained and declared in Portland, and has not been ascertained or declared in other localities, is very far from being equivalent to an order by the Com-

mission that the other localities may employ women at less than a "living wage."

If the Act authorized or permitted the Commission to **fix a wage less than a "living wage"** in one locality and **require a "living wage"** in another, then it would not be uniform and would be discriminatory. But such are not the provisions of the Act. It plainly requires from everyone wherever located the payment only of a "living wage' 'and empowers the Commission to determine the amount of "a living wage" in the various localities.

Nor does the order of the Commission itself act or operate without uniformity nor does it discriminate in any way. Counsel seem to think that this order commands the payment of a "living wage" in the locality of Portland and permits the payment of less than a "living wage" elsewhere. Such is neither the text nor spirit of the order. It does not attempt to exempt anyone anywhere from paying "a living wage" nor does it authorize anyone to pay less nor does it require any one to pay more. It merely declares and anounces a fact, which had been ascertained by it, viz: that in the locality of Portland, in certain industries, a certain sum was required to "supply the necessary cost of living to women workers of average, ordinary ability and maintain them in health." Nothing in the order declares that employers outside of Portland may pay less than the standard prescribed by statute. Where is the discrimination? Those in Portland must conform to a certain standard. Those outside of Portland must

do likewise. If perchance the standard is complied with by the payment of a less wage outside of Portland than inside, yet the standard is the same and the difference in wage is caused by a difference in the facts.

Counsel's argument is reduced to an assertion that the Commission has no power to ascertain the amount of a "living wage" in one locality until it has done so in all. This we conceive to be unsound. All that appellant can be heard to complain of is that he has been discriminated against either by the Act itself or by the order of the Commission. It is plain that the Act does not discriminate but prescribes a uniform standard applicable to and operating upon all who employ women within the State. It is equally true that the order of the Commission does not discriminate nor does it undertake to lessen or increase the uniform operation of the statute. It merely declares and makes effective an ascertained fact. All that appellant is concerned in is to see that **he** is not required to pay more than a "living wage" and that others, in the same class, are not permitted to escape with the payment of less. There is no claim in the complaint nor any fact alleged to the effect that in truth the amount fixed by the Commission in its order exceeds the statutory standard; nor is there any claim nor fact alleged therein to the effect that the Commission has, by its order, attempted to authorize any other persons to employ women at a less wage than the statutory standard.

It is a matter of common sense that the Commission cannot investigate and determine conditions in all localities at once. Nor is there sensible reason why it should. All that can be reasonably or constitutionally insisted upon by appellant is that the law operate no differently upon him than it does upon others in his class. That this Act operates uniformly upon all within the class named and that "employers of women" is a reasonable classification cannot be doubted.

We believe the authorities sustain our contentions upon this point.

In the leading case of **Barbier v. Connolly, 113 U. S. 27; 5 Sup. Ct. Rep. 357,** an ordinance of the City of San Francisco, making it unlawful to establish or maintain laundries within a certain designated portion of the City without obtaining certain certificates from the Health Board and Fire Wardens, was under discussion. The ordinance did not prevent the operation of laundries, without such certificates, in the remaining portions of the city. So that in some parts of the city these certificates were required while in other parts they were not. The ordinance was assailed as discriminatory and not uniform in operation. But the Supreme Court found nothing in the ordinance of a discriminatory nature and decided that it acted alike upon all persons in the same class.

In rendering the opinion Justice Field said:

> "There is no invidious discrimination against any one within the prescribed limits by

such regulations. There is none in the regulation under consideration. The specification of the limits within which the business cannot be carried on without the certificates of the health officer and board of fire wardens is merely a designation of the portion of the city in which the precautionary measures against fire and to secure proper drainage must be taken for the public health and safety. It is not legislation discriminating against any one. All persons engaged in the same business within it are treated alike; are subject to the same restrictions, and are entitled to the same privileges under similar conditions."

In **Chicago Co. v. Iowa, 94 U. S. 163,** a statute of Iowa which divided railroads into classes according to the amount of business done, and established maximum rates for each class was held not to be discriminatory because it operated uniformly upon all within the class.

Chief Justice Waite in delivering the opinion said:

> "The statute divides the railroads of the State into classes, according to business, and establishes a maximum of rate for each of the classes. It operates uniformly on each class, and this is all the Constitution requires. The Supreme Court of the State, in the case of McAunich v. R. R. Co., 20 Iowa, 343, in speaking of legislation as to classes, said: 'These laws are general and uniform, not because they operate upon every person in the State; for they do not, but because every person who is brought within the relation and circumstances provided for is

> affected by the law. They are general and uniform in their operation upon all persons in the like situation, and the fact of their being general and uniform is not affected by the number of persons within the scope of their operation.' This Act does not grant to any railroad company privileges or immunities which, upon the same terms, do not equally belong to every other railroad company. Whenever a company comes into any class, it has all the 'privileges and immunities' that has been granted by the statute to any other company in that class."

In **State v. Baker, 50 Or. 381-385,** Chief Justice Bean says:

> "And, so long as the law operates alike upon all persons similarly situated, it is not subject to the objection of special or class legislation."

In **State v. Muller, 48 Or. 252,** where the Act fixing maximum hours of labor for women was under consideration, the same objection that the Act discriminated against appellant was made. And it was claimed that the Act was an arbitrary discrimination against persons engaged in the particular businesses or employments specified, because persons engaged in other callings were not prohibited from employing women longer than 10 hours. The Court, however, held that there was no unlawful discrimination.

Chief Justice Bean, in handing down the opinion, said:

> "Nor can we concur with counsel that it is an arbitrary and unwarrantable discrimination against persons engaged in the particular busi-

> ness or employments specified, because persons in other businesses or callings are not prohibited from requiring or permitting their female employees to work more than 10 hours a day. Nearly all legislation is special in the objects sought to be obtained or in its application, and the general rule is that such legislation does not infringe the constitutional right to equal protection of the laws when all persons subject thereto are treated alike under like circumstance and conditions."

In **Soon Hing v. Crowley, 113 U. S. 703-709,** Mr. Justice Field thus announces the doctrine:

> "The discriminations which are open to objection are those where persons engaged in the same business are subjected to different restrictions, or are held entitled to different privileges, under the same conditions. It is only then that the discrimination can be said to impair that equal right which all can claim in the enforcement of the laws."

In what does the alleged discrimination against appellant consist? We believe that it is plain that every employer of female labor is treated upon alike by the Act. No exemption is made therein either as to persons or localities in the State. They are all required to pay a "living wage."

If Counsel claim that the classification of "employers of women," as distinguished from other employers, is an unreasonable and arbitrary classification, the answer is that such claim has been frequently adjudicated against their contention. **State**

v. Muller, Supra; Muller v. Oregon, Supra; State v. Baker, Supra.

In the latter case this Court took occasion to say:

> "By nature citizens are divided into the two great classes of men and women, and the recognition of this classification by laws having for their object the promoting of the general welfare and good morals, does not constitute an unjust discrimination. A police regulation to prevent immorality and for the good of the community based upon such classification is proper; and, as Mr. Cooley says: 'under the police power, some employments may be admissible for males and improper for females, and regulations recognizing the impropriety and forbidding women from engaging in them would be open to no reasonable objection': Cooley, Const. Lim. 745."

If the claim of discrimination be based upon the fact that the Commission has ascertained and declared a minimum wage in Portland and has not done so in the other localities of the State, we say such contention is equally untenable. The Commission's order is pursuant to and in accordance with the law authorizing it. It does not fix a greater wage, as a minimum for Portland, than the standard applied by the statute to all members of the class, wherever situated. It does not fix a less wage, as a minimum for any other locality, than the standard applied by the statute.

The contention, as we have said, when analyzed, is reduced to the bare assertion that the Commission has discriminated against appellant because it has in-

vestigated and declared the minimum wage in Portland, before doing so elsewhere. No authority has been offered, nor can there be, which holds this to be a discrimination. The Commission's order was legally adopted pursuant to the law. It fixed the rate prescribed by law. Wherein does it operate wrongfully upon appellant? The fact that the minimum wage has not yet been fixed in other localities does not render the one fixed in Portland any the less legal and standard The fact that some other employers outside of Portland may be failing to comply with the standard, because the Commission has not yet fixed the rate, does not make the rate fixed in Portland any the less the standard.

We are able to produce authority of the highest character in support of our views upon this question.

In the case of **Louisville Co. v. Garrett, 34. Sup. Ct. R. 48.**, the railroad commission of Kentucky had determined and fixed what were "reasonable" freight rates between three points of origin to sixteen points of destination within the State of Kentucky. The standard of rates prescribed by the statute was that they should be "reasonable" and the commission was empowered to ascertain and determine what rates throughout the state complied with this standard. The order of the Commission fixing these "reasonable" rates to the sixteen points of destination was attacked and severely criticized as creating a discrimination, because the rates to many other points of destination

were not also fixed to comply with the standard. The claim was made there, as it is here, that, because the commission had not fixed the "reasonable" rates to all points of destination, shippers to points where such rates were not fixed were discriminated against in favor of shippers to one or more of the sixteen points. The Court held that the rates were uniform and operated alike upon all affected by them. And the Court further held that the order, if otherwise valid, could not be affected by the fact that other rates had not been fixed by the Commission.

In deciding the case and referring to this latter point, Justice Hughes said:

> "But, aside from these considerations, we find the objection to be without merit. The Commission dealt with the question before it, and, on complaint as to the rates to the sixteen points of destination, ordered what is found to be reasonable rates for that transportation. In so doing, it acted in conformity with the statute. **To give legality to its order as to the particular rates in question, it was not necessary for the commission to require a reduction in other rates.** Certainly, the fact that the other rates described, which had not yet been passed upon by the Commission, might likewise be open to the objection of unreasonableness, and that their maintenance by the appellant might lead to unjust discrimination, would furnish no basis for restraining the enforcement of the Commission's order if that order were otherwise valid."

We feel that the authorities sustain the view that neither the Act nor the Order are open to criticism as creating an unlawful discrimination.

A brief examination of the cases relied upon by appellant satisfies us that they are not applicable. They are: **State v. Scougal, 15. L. R. A. 477; State v. Wright, 53. Or. 344, The Matter of Jacobs, 98. N. Y. 98** and **Cotting v. Goddard, 183. U. S. 79.**

As far as the case of **The Matter of Jacobs** is concerned, while quoted from extensively upon this branch of the case, it has not the remotest bearing on the question of discrimination or class legislation. It is a decision bearing upon the power of the State, under the guise of protecting health, to regulate the conduct of private affairs, which manifestly do not affect the public health.

The remaining three cases are each based upon an unreasonable classification and not upon the theory that the fixing of a rate in one locality creates a discrimination because not fixed in all localities.

The reasonableness of the classification of employers of labor into two divisions, i. e., those employing female labor and those who do not, is no longer an open question. That such classification is reasonable and proper is now too well settled by the cases upholding the laws fixing maximum hours of female labor to be open to further debate.

The cases cited by appellant, are, therefore, not at all in point.

The South Dakota case, **State v. Scoudal,** has the distinction of being in sharp conflict with every other decision on the subject and is governed solely by the peculiar provisions of the South Dakota constitution. It holds the reverse of the **Noble State Bank case.** And the foot note to the decision in 15 L. R. A., clearly shows that it is an isolated opinion.

State v. Wright turns entirely upon the unreasonableness of classifying peddlers as those who peddle certain designated kinds of harmless commodities, and those who do not. Because a license was required from those who peddled the commodities named and not from others who peddled similar commodities the license Act was correctly held void.

In deciding the case Justice Bean mentioned the gist of the case in the following words:

> "It is true a State may impose a tax on, or require a license from, persons engaged in certain callings or trades without being bound to include all persons or all property that may be legitimately taxed for governmental purposes. But the classification must be on some reasonable basis, and the law, when enacted, must apply alike to all engaged in the business or occupation."

In **Cotting v. Goddard** the Kansas City Stock Yards Company was singled out by an Act which purported to regulate the charges made by stock-

yards. The Act was drawn in such a way as to clearly refer only to this one corporation nor could other corporations in the future come with its purview. The Act was declared invalid because it singled this one corporation out and made a class of it. This was said to be an unreasonable and arbitrary classification.

So we find nothing in the cases cited by counsel which tend at all to support their views or to controvert ours.

III.

The Act is Complete in Itself and does not delegate Legislative Power.

The next proposition advanced is that the Act undertakes to delegate legislative power to the Commission and is void for that reason.

The Act is complete in itself in every regard and leaves no legislative function to be performed by anyone. It fixes a standard of minimum wages and prohibits the employment of the labor of women, except upon the condition that the standard so fixed is complied with. The standard so fixed depends upon many and varying conditions which can be best ascertained and determined by a commission created for that purpose. The Act delegates to the Commission the duty and power merely of determining the fact as to what amounts to a "living wage" in the various localities of the State. That the Legislature may delegate such a

power and that such does not constitute a delegation of Legislative powers is well settled.

In the case of Locke's Appeal, 72 Pa. St. 491, 498, Justice Agnew says:

> "The Legislature cannot delegate its power to make a law; but it can make a law to delegate a power to determine some fact or state of things upon which the law makes, or intends to make, its own action depend. To deny this would be to stop the wheels of government. There are many things upon which wise and useful legislation must depend, which cannot be known to the law-making power, and must therefore be a subject of inquiry and determination outside of the Halls of Legislation."

In the case of **State v. Corvallis Co., 59 Or. 450,** Justice Moore, states the same doctrine, as follows:

> "The rule is universal that, as a legislative assembly exercises an authority conferred by the Constitution, it cannot delegate the power to enact laws. It may, however, direct that the application of a statute to a designated district or to a specified sate of facts shall depend upon the existence of certain conditions to be ascertained and determined in a particular manner."

In the case of **Southern Pacific Co. v. Campbell, 33 Sup. Ct. R. 1027-1030,** Justice Hughes says:

> "The criticism made in the bill that the Railroad Commission Act violated the State Constitution in conferring upon the Commission authority to exercise legislative, executive

and judicial powers has been answered by the decision of the State Court sustaining the Statute. State v. Corvallis Co., 59 Or. 450."

The various Railroad Commission Acts usually provide a standard of rates by requiring them to be "reasonable" and delegates to the Commission the ascertainment of what are and what are not such "reasonable" rates. Repeated assaults have been made upon such Acts on the ground that they undertook to delegate the legislative power of fixing rates to the Commission. The Courts have been unanimous in holding, however, that the legislature itself fixed the rates when it prescribed as a standard that the rates shall be "reasonable," and only committed to the Commission the administrative power and duty of ascertaining the amount of such "reasonable" rates.

In the Act under discussion here, the legislature has also fixed a standard of minimum wages. It has declared that to be such wages **as will be adequate "to supply the necessary cost of living to women workers of average, ordinary ability and maintain them in health."** To the Commission has been committed merely the administrative duty of ascertaining the amount in dollars and cents of such "necessary cost of living" so as to make the standard applicable.

It will thus be seen that the principles announced in the Railroad Commission cases control and are decisive of this one.

In **Union Co. v. U. S., 27. Sup. Ct. Rep. 367.**, the Federal Supreme Court makes itself authority for the proposition that while a legislative body cannot delegate its legislative power to make a law, it may delegate the power to an arm of the government to make and enforce regulations for the execution of a statute according to its terms.

The delegation to a commission or board of the power of making rules for the preservation of health or morals and declaring a violation of those rules a misdemeanor punishable by fine, has been often held to be not a delegation of legislative power.

State v. McCarthy, 59 So. 543-545.

Isenhour v. State, 157 Ind. 517; 62 N. E. 40.

People v. Vandecar, 175 N. Y. 440; 67 N. E. 913.

Abbott on Mun. Corp. Sects. 119 and 120.

"The true distinction" says Justice Ranney in the case of **Cincinnatti Co. v. Conners, 1 Ohio St. 77-88,** "is between a delegation of power to make a law, which necessarily involves a discretion as to what it shall be, and conferring authority or discretion as to its execution, to be exercised under and pursuant to the law. The first cannot be done. To the latter no valid objection can be made."

An effort is made by Counsel to distinguish the decisions in the Railroad Commission cases by saying that in such cases the fixing by the Act of a

"reasonable" rate sufficiently states a standard, because in determining what is a "reasonable" rate the Commission solves a question of fact. But, it is said, that "unreasonable hours" is not a question of fact. What are "reasonable hours" is said to be a question of judgment and discretion.

In laboring with this distinction Counsel have at least agreed that what is a "living wage" is a question of fact. They tie their whole argument to the contention that what are "reasonable hours" is a legislative question of judgment and discretion.

It is one of our earliest impressions that what was a "reasonable time" was a question of fact. It requires the application of no more legislative judgment or discretion to determine what are "reasonable" and "unreasonable" hours of labor, than it does to determine what are "reasonable" and "unreasonable" freight rates. They both require an investigation of the surrounding facts and circumstances. And both require the use of judgment and discretion in the ascertainment of the facts. But in neither event does the Commission exercise any judgment or discretion as to what the law shall be or whether there shall or shall not be a law on the subject at all.

If the fact that expert testimony may be called upon in the determination of the condition, matter or thing submitted to the Commission, will make the submission a delegation of legislative power, then the Railroad Commission Acts are equally open

to the objection made by Counsel. Under those acts the Commission not only determines what are "reasonable rates," but also what is "**adequate service.**" So there is no distinction between the Railroad Commission cases and this case.

The Wisconsin Railroad Commission Act, like the Oregon Act, contains a provision submitting to the Commission the question as to what is and what is not "adequate service" and that act was upheld against the assertion that the act delegated legislative power to the Commission. **Minneapolis Co. v. R. R. Commission 116. N. W. 905.** We mention this case specially because counsel rely upon a Wisconsin case.

In **Elwell v. Comstock, 99 Minn. 261; 109. N. W. 698,** there was submitted to a commission the power to investigate and determine whether a particular voting machine might be used effectually to express the will of the voters. If such commission determined that it might be, an act authorizing the use of the machine became effective. It was contended that this was a delegation of legislative and discretionary power, but the Supreme Court decided that it was not, but was merely the ascertainment of the existence of a condition, upon which the taking effect of the law depended. It will be noted that counsel also rely upon an earlier Minnesota case.

In **Leeper v. State, 53. S. W. 962,** a uniform text-book act authorized the adoption and selection by a commission of text-books for use in the schools.

This was held to be not a delegation of legislative power.

We might go on indefinitely citing instances where statutes were upheld against similar claims, when they must have been overthrown if Counsels' proposition is sound, but in view of the fact that Counsel are sustained by the citation of no case at all we will pursue the subject no further.

We might add, however, that the matter of "unreasonable hours" is not before the court, except as a moot question, which the Court will not consider. **State v. Shorey, 48. Or. 396.** And even if counsel were correct that the delegation of the power to determine what are "unreasonable hours" was a delegation of legislative power, the result would simply be to render bad the part of the act relating to hours of labor, leaving the minimum wage feature valid.

With a brief comment upon the cases cited by Counsel we will conclude this branch of our argument.

The case of **Dowling v. Lancashire Co., 31 L. R. A. 112,** was decided by the Supreme Court of Wisconsin in 1896 and clearly illustrates the distinction between the delegation of a power to use discretion and judgment in the ascertainment of a fact or condition, on the one hand, and the delegation of a power to exercise legislative discretion and judgment, on the other. No person or body other than

the legislature can say what is to be the law or when it shall take effect. But what the law shall be or when it shall become effective may be left to depend upon the ascertainment of facts or conditions, whether such ascertainment requires the exercise of judgment or discretion or thought. Before there may be said to be a delegation of legislative power it must appear that the commission is given the arbitrary legislative discretion of saying what the law shall be or when it shall operate.

In the case cited, the court quotes from **Moers v. Reading, 21 Pa. 202,** as follows: "half the statutes on our books are in the alternative, depending upon the discretion of some person or persons, to whom is confided the duty of determining whether the occasion exists for executing them. But it canot be said that the exercise of such discretion is the making of the law;" and then for itself the Court says: "This must be understood, we think, as applicable only to cases where the discretion is not a legislative one."

We believe that we have demonstrated heretofore that the discretion used in ascertaining what are "unreasonable hours" and a "living wage" is not legislative in character, but is absolutely bound by the facts. The Commission cannot say that the law shall require anything different than "reasonable hours" or a "living wage." It has no discretion of that kind. It may declare, not what it **arbitrarily** or **legislatively** considers to be

"reasonable hours" and a "living wage," but only what it ascertains from investigation **the facts to be in that regard.**

In the Dowling case, however, there was committed to the Insurance Commissioner the arbitrary and legislative power of saying what the law was to be. He and he alone had the power of saying what the form of policy should contain. His decision and discretion depended upon no fact nor event nor condition, but solely upon his own arbitrary notions.

In **Shaezlein v. Cabaniss,** 67 Pac. 755., an arbitrary power was given to a Commissioner to compel the installation in mills of any device he might require for the absorption of dust whenever in his opinion the inhalation of the dust could be prevented by such device. Everything, in such case, depended upon the arbitrary opinion of the Commissioner. He might require one factory to install an expensive device, and, under exactly similar conditions, exempt another entirely. There is nothing in the case that holds or intimates that the power of ascertaining the existence of facts upon which a law will in some degree depend, may not be delegated to a Commission.

In **Gilhooly v. Elizabeth, 49 Atl. 1106.**, the Governor was empowered to select a commission to district or redistrict wards in the cities of the State. The districting of cities into wards was held to be a legislative act and, being so, could not be delegated. We have no quarrel with the case. It has no application here. We do not contend that the performance of a legislative act or duty may be delegated. We merely say that the New Jersey Legislature may have submitted to the Governor or a commission the ascertainment of some fact upon which the districting of the cities might depend.

Farrell v. Board, 24 Pac. 868, is not in point at all. It has to do with the constitutional provision prohibiting the creation of offices by special laws and does not touch the question of delegating legislative power.

O'Neill v. American Fire Ins. Co., 45 Am. St. Rep. 650, is precisely the same as the Dowling case.

State v. Ashbrook, 77 Am. St. Rep. 776, holds that the power of taxation cannot be delegated but does not touch the point urged here by counsel.

IV.

The Act does not deny a proper Judicial Review of the Commission's Orders.

In view of the able and scholarly expositions of that phase of the case which is suggested and embraced in the foregoing title, which are to be found in the exhaustive briefs of both the Hon. A. M. Crawford, of counsel for respondents, and the Hon. Joseph N. Teal, appearing amicus curiae, we shall undertake no further discussion of said subject. Nothing which we might say would add to the learned and careful presentation of said subject already

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available and before the court in said briefs. Suffice it to say that we deem the reasoning and conclusions of both of said gentlemen with reference to the proposition that the act does not deny a proper judicial review of the Commission's order to be conslusive and unanswerable.

In concluding this brief we wish to say that we are strongly impressed with those arguments and reasons which sustain the validity of the Minimum Wage Act. We believe it is manifest that the public health and morals and welfare are all deeply concerned in the regulation of the employment of women workers in the industries of this country. We believe that a requirement that a "living wage" be paid is a reasonable and just condition to be placed upon such employment as a regulation thereof. We also believe that the Act is not open to the objections that it is not uniform or that it delegates legislative power or denies a judicial review.

The great public importance of the subject has also impressed us. And it is only after the most extensive research and careful study, that the time would permit, we have ventured to suggest the foregoing views to the Court.

Respectfully submitted,

MALARKEY, SEABROOK & DIBBLE,

Attorneys for the "Industrial Welfare Commission."

ADDENDUM.

IN THE

CIRCUIT COURT

OF THE

State of Oregon

COUNTY OF MULTNOMAH

FRANK C. STETTLER,
Plaintiff,

vs.

EDWIN V. O'HARA, BERTHA MOORES AND AMEDEE M. SMITH, constituting the Industrial Welfare Commission of the State of Oregon,
Defendants.

Opinion of Hon. T. J. Cleeton, Judge of the above entitled Court, delivered upon sustaining the demurrer of the defendants to the complaint.

Plaintiff appeared and a brief was filed by Fulton & Bowerman, his attorneys, and an oral argument was made by Hon. C. W. Fulton.

Defendants appeared and a brief was filed by Hon. A. M. Crawford, Attorney General of the

State of Oregon, and Malarkey, Seabrook & Dibble, their attorneys, and oral arguments were made by Hon. A. M. Crawford, Hon. Dan J. Malarkey and E. B. Seabrook.

Judge Cleeton said:

The Court is asked to grant a permanent restraining order against the Industrial Welfare Commission, prohibiting it from establishing a minimum wage of $8.64 for women when employed in manufacturing establishments in the City of Portland, Oregon, upon the alleged ground that the legislative act creating the commission is unconstitutional. The reasons advanced for this claim are three in number, to-wit:

First: It is an attempt to delegate legislative power to the Commission and Conference created and authorized by the act.

Second: It is in violation of Section 20 of Article 1 of the Constitution of the State of Oregon.

Third: It is in violation of the Fourteenth Amendment of the Federal Constitution in that it deprives the employer of his property and his liberty to contract without due process of law and denies to the employer the equal protection of the laws.

It appears by the admission of counsel for the parties that the question of whether or not this legislative act is within the police power of the State is

controlling in the determination of most of the questions raised by the objections urged against it.

In determining whether or not this legislation falls within the police power of the State, it is well to note the evident purpose and intent of the law, as well as the evil sought to be remedied; and in so doing it is perhaps advisable to consider the preamble, which is as follows, to-wit:

"Whereas the welfare of the State of Oregon requires that women and minors should be protected from conditions of labor which have a pernicious effect on their health and morals and inadequate wages and unduly long hours and unsanitary conditions of labor have such a pernicious effect;" . . . .

The part of the statute following this preamble which it is necessary to consider, being a part of Section 1, reads as follows:

"It shall be unlawful to employ women in any occupation within the State of Oregon for wages which are inadequate to supply the necessary cost of living, and to maintain them in health; and it shall be unlawful to employ minors in any occupation within the State of Oregon for unreasonably low wages."

The evident purpose of the act, as gathered from the preamble and the body of the act is, therefore, to protect the health and welfare of those mentioned in the act, namely: women and children. It is conceded by counsel for the plaintiff, and borne out by

almost all of the latest decisions, that an act regulating the maximum hours of labor for men in certain occupations, generaly recognized as dangerous to health, is within the police power of the State. It is also admitted and borne out by the recent decision of the United States Supreme Court in Muller vs. Oregon, 208 U. S. 412, that a law limiting the maximum hours of labor for women in laundries is also within that police power.

And it has been uniformly held by respectable courts of last resort that it is a proper exercise of the police power to limit the maximum working hours for women and children.

State vs. Muller, 48 Or. 252.

Com. vs. Hamilton, 120 Mass. 383.

Wenham vs. State, 65 Neb. 396-405; 91 N. W. 421.

State vs. Buchanan, 29 Wash. 602; 70 Pac. 52.

Withey vs. Bloom, 163 Mich. 419; 128 N. W. 913.

Ritchie vs. Wayman, 244 Ill. 509; 91 N. E. 695.

Ex parte Miller (Cal.) 124 Pac. 427.

State vs. Sommerville (Wash.) 122 Pac. 324.

The foregoing decisions apply to women, and the following to children:

State vs. Shorey, 48 Or. 396.

People vs. Ewer, 141 N. Y. 129; 36 N. E. 4.

Mt. Vernon Co. vs. Insurance Co., 111 Md. 561; 75 At. 105.

The only decision to the contrary, which has been called to my attention, is that of Ritchie vs. People, 155 Ill. 98; 40 N. E. 454; but the authority of that decision has been destroyed by the later case of Ritchie vs. Wayman, supra.

There is a clear ground of distinction between the extent of the police power when applied to the regulation of the hours of labor for men and when applied to the regulation of maximum hours of employment of women, based upon the peculiar and distinctive differences in physical structure, function and temperament of women, as distinguished from men.

If it is within the power of the legislature to regulate the maximum hours of labor for women employed in laundries, which service is not necessarily an occupation which in itself is detrimental to health, reasoning by analogy it would follow as a reasonable conclusion that such regulation might be lawfully applied to all occupations of women, and, more certainly, the occupations of minors. Assuming this proposition to be true when applied to the regulation of the maximum hours of labor, it would also be true when applied to the same class limiting the minimum wage, unless there is a sound reason that distinguishes the one from the other.

To make effective a law fixing maximum hours of labor, it may become necessary to have a law fixing a minimum wage. The two are inseparably linked together. This is especially true in the case of the employment of women and children, for the reason that the occupations in which they may be usefully employed are necessarily limited, while the number seeking such employment is necessarily large. The two laws are necessary complements of each other, and go to the same effect, and to secure the same end. If the law regulating the number of hours of labor for women and minors is within the police power and constitutional, a law fixing a minimum wage is also within the police power.

The purpose of the act in limiting the maximum hours of labor and the minimum wage for women, is evidently the same, viz: to preserve and conserve their health and morals. Is the preservation and conservation of the health and morals of women workers a public concern, or is it merely a matter that concerns the individuals employed? If the enactment is for the public health, peace, morality and general welfare it falls within the police power of the State to regulate. The complexity and intimate relations of our present day civilization are such that there is a necessary dependency of the public welfare upon the health, morality and vigor of our women and children, when considered from physiological, sociological and moral standpoints. The women are and are to be the mothers of our

future citizens, and the children of today will be the citizens of tomorrow and when any considerable number of them are employed at wages which reduce them to beggary or denies a sufficient compensation to preserve health, the insufficiency of such wages becomes a powerful factor in determining the social, moral and physical status of the body politic and is a matter of public concern.

The police power of a state has its limitations. It is very difficult to determine oftentimes where the boundary line should be drawn. There is what is known as the "twilight zone," so recognized by courts in passing upon matters relating to the police power of a state. This zone embraces those questions where the decisions of the Courts seemingly overlap. This zone is necessarily a widening one, and must be, and will be, extended to new questions as they arise, when those questions are dealing with the public and general welfare; hence the limitation of the police power, when applied to these matters, must necessarily be shifting, determined not so much by precedent as by reason and justice and the preservation of public peace, health, morality and the general welfare. The statute having for its object the general welfare, it will be given a liberal construction. And considering the statute from that standpoint, it is my opinion that the regulation of the minimum wage for women and minors, as announced in the act, is within the police power of the State, and is, therefore, constitutional.

This conclusion reached by the Court disposes of the contentions made that Section 20 of Article I of the Oregon Constitution and the Fourteenth Amendment of the U. S. Constitution have been violated by the act in question.

There remain two questions to be considered by the Court, however, before the validity of the act may be declared. They are, first: Does the act delegate legislative power to the Commission created threby? and second: Does the act deny to any person affected thereby a judicial review of the acts of the Commission?

If the act attempts to confer legislative power on the Commission, as plaintiff's counsel contend it does, then it cannot be sustained.

The point urged by plaintiff is that the legislature has delegated to the Commission the power of determining what was a living wage for women in the industries investigated; and it is contended the Commission must, in determining that, act in a legislative capacity, and that, though the legislature had the power to fix the standard, it could not delegate that power to the Commission.

There is a vast difference, however, between fixing a standard and delegating to a commission the power of ascertaining the existence of facts which make that standard applicable, on the one hand, and the delegation of the power of fixing the standard

itself on the other. The former may be done, but the latter is in excess of the legislature's power.

State vs. Corvallis Co., 59 Or. 450.

Portland R. L. & P. Co. vs. R. R. Comm., 229 U. S.

Southern Pac. Co. vs. Campbell, 33 Sup. Ct. Rep. 1027.

"The rule is universal," said Justice Moore in State vs. Corvallis Co., supra, "that, as a legislative assembly exercises an authority conferred by the Constitution, it cannot delegate the power to enact laws. It may, however, direct that the application of a statute to a designated district or to a specified state of facts shall depend upon the existence of certain conditions to be ascertained and determined in a particular manner."

It is my view that the Legislature by the terms of Section 1 of the act has definitely fixed the standard and has only left to the Commission the ascertainment of the facts which makes the law applicable to any particular district or industry.

The portion of Section 1 referred to reads as follows: "And it shall be unlawful to employ women in any occupation within the State of Oregon for wages which are inadequate to supply the necessary cost of living, and to maintain them in health."

The standard thus fixed by the legislature is dependent upon a number of facts and circum-

stances which could not be ascertained by the legislature in any practical way; and the legislature created the Commission for the purpose of ascertaining the facts, which, when determined and promulgated, should set in operation the statute. The Commission performs merely a ministerial or administrative function, and does not in any sense assume to legislate.

It is further contended that the act is invalid because the Commission was empowered to call a conference which has the power to inquire into the varied conditions and surroundings and circumstances of this class of employees, and because the Commission has no power to change the finding of the Conference when promulgated. But anything the Commission could do itself it could empower the Conference to do, subject to its approval. It cannot change the rate of wages recommended by the Conference, but it can refuse to adopt them. The recommendation of the Conference, therefore, becomes, when adopted, the act of the Commission, and not the act of the Conference. Upon this ground the contention is not, in the judgment of the Court, well founded.

The remaining question urged by counsel for plaintiff is that the act denies the plaintiff the right of a judicial determination or review of the acts of the Commission. The determination of this question has been one of considerable difficulty to the Court, for it is recognized by our institutions that private property should not be taken or private

rights denied without due process of law and that every man should have a right to a judicial determination of any question affecting his rights of property or personal liberty or his right to contract or not to contract as he chooses. This question is somewhat affected and simplified by the police power of the State. Private property may be taken and private rights may be invaded without compensation under the police power of the State, when it becomes necessary to protect public peace, public health or public welfare.

Balch vs. Glenn, 85 Kan. 735; 119 Pac. 67.

It is contended that by reason of Section 16 of the Act, which specially prohibits an appeal from any decision of the Commission on a question of fact, a judicial review of the Commission's acts is thereby denied and that that rendered the entire statute nugatory and void.

Upon this question the Court has entertained, and still entertains, some doubt; but, applying the rule of common sense, it appears that the act itself is complete without Section 16 thereof.

It will, therefore, be unnecessary for the Court to decide whether or not Section 16 of the act does in fact attempt to prohibit a judicial review of the acts of the Commission. For if it does, it will be disregarded and treated as surplusage.

Regan vs. Trust Co., 154 U. S. 362.

Southern Pac. Co. vs. Board, 78 Fed. 257.

And, as the act is complete in every respect with-

out Section 16, the validity thereof is not affected by disregarding that section.

The plaintiff cannot complain of this construction, for the reason that he thereby has his right of review. In fact, the decisions above cited are to the effect that where the legislature provides in an act that there shall be no judicial review of a question of fact, such provision will be disregarded as surplusage whenever it is sought to show that the acts, sought to be reviewed, are unreasonable or confiscatory. The Court believes that the plaintiff has the right of judicial review, notwithstanding Section 16 of the act; and that in any case which may arise under this act, where he seeks to show that the acts of the Commission are unreasonable or confiscatory, he may have that question adjudicated.

This disposes of the contentions of the plaintiff, as the Court views the matter. I wish to state that the Court has been very much aided and instructed by the learned arguments of counsel for the plaintiff and for the Commission; and has been enlightened and edified by the comprehensive and able briefs submitted on the question. It is a question of great import and far-reaching in its effect; and it being a statute intended to preserve public health and morality, and promote the general welfare, the Court has resolved whatever doubts it had in favor of the constitutionality of this statute, and therefore, holds the act constitutional, and denies the writ, and sustains the demurrer.

T. J. CLEETON,
Judge.

IN THE

SUPREME COURT

OF THE

STATE OF OREGON

OCTOBER TERM, 1913.

FRANK C. STETTLER,
Plaintiff and Appellant,

vs.

EDWIN V. O'HARA,
BERTHA MOORES,
AMEDEE M. SMITH,
Constituting the
INDUSTRIAL WELFARE COMMISSION OF THE
STATE OF OREGON,
Defendants and Respondents.

APPENDIX

To the Briefs Filed on Behalf of Respondents

Prepared by
LOUIS D. BRANDEIS.
Assisted by
JOSEPHINE GOLDMARK,
Publication Secretary, National Consumers' League.

Compliments of
Edwin V. O'Hara

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PART FIRST

THE EXISTING LEGISLATION

Eight states of the Union, besides Oregon, have enacted laws providing by various methods for the establishment of a legal minimum wage for women. Similar legislation exists in Great Britain and Australasia. The most important provisions of the American Legislation are given in the following insert:

State	Act Creating	Title	Membership and Term of Office	Appropriation	Qualifications	Powers and Duties	Mode of Determining Minimum Wage	Mode of Enforcement and Penalty
California	Ch. 324, Laws, 1913.	Industrial Welfare Commission.	Five, 4 years. One appointed annually, except in years when 2 appointments expire.	$15,000 Annually.	One shall be a woman.	To investigate, determine and fix minimum wage, hours and standard conditions of labor in all occupations and industries.	Preliminary investigation by commission, followed by thorough investigation by wage board. Upon findings of "wage board" commission determines and fixes minimum wage.	Violation constituted a misdemeanor. Fine not less than $50 (no maximum), imprisonment not less than 30 days (no maximum).
Colorado	Ch. 110, Laws, 1913.	State Wage Board.	Three, 2 years.	$5,000.	One representative of labor, one employer and one a woman.	To investigate, determine and fix minimum wages for women and minors employed in mercantile, manufacturing, laundry, hotel, restaurant, telephone or telegraph business.	Investigation by board only.	Violation constituted a misdemeanor; fine, not more than $100 (no minimum); imprisonment not more than three months (no minimum).
Massachusetts	Ch. 706, Laws, 1912, as amended by Chaps. 330 and 673, Laws 1913.	Minimum Wage Commission.	Three, 3 years. One appointed annually.	$7,000 for Fiscal Year 1912-13.	One may be a woman.	To investigate, determine minimum wages to be paid female employees in any occupation.	Same as California.	Publication in newspapers of names of employers failing or refusing to pay wage established by the commission for the occupation in question.
Minnesota	Ch. 547, Laws, 1913.	Minimum Wage Commission.	Three, 2 years.	$5,000 for Each of Fiscal Years 1913-14 1914-15	One an employer of women, one a woman, and the third the Commissioner of Labor.	To investigate, determine and fix minimum wages for women and minors in all occupations.	Investigation by commission or advisory board. Establishment of advisory board is optional with the commission.	Violation constituted a misdemeanor; fine, not less than $10 nor more than $50; imprisonment, not less than 10 nor more than 60 days.
Nebraska	Ch. 211, Laws, 1913.	Minimum Wage Commission.	Four, 2 years.	None.	Governor, Deputy Commissioner of Labor, a member of the political science department of the University and one citizen. (One must be a woman.)	Same as Massachusetts.	Same as California.	Same as Massachusetts.
Oregon	Ch. 62, Laws, 1913.	Industrial Welfare Commission.	Three, 3 years. One appointed annually.	$3,500 Annually.	One representative of employers, one representative of labor interests, one representative of the public.	Same as California.	Same as California.	Violation constituted a misdemeanor; fine, not less than $25 nor more than $100; imprisonment, not less than 10 days nor more than three months.
Utah	Ch. 63, Laws, 1913.	Commissioner of Immigration, Labor and Statistics.	One, 2 years.			To enforce provisions of minimum wage law.	Prescribed by statute: Minors, not less than 75c per day; apprentices, not less than 90c per day; women, not less than $1.25 per day.	Violation constituted a misdemeanor; fine, not more than $300; imprisonment, not more than six months; if a corporation, fine not to exceed $1,000.
Washington	Ch. 174, Laws, 1913.	Industrial Welfare Commission.	Five, 4 years. One appointed annually.	$5,000 Annually.	No person eligible who shall have been at any time within 5 years prior to their appointment, a member of any manufacturers' or employers' association or of any labor union. The commissioner of labor is, ex-officio, a member of the commission.	Same as California except hours.	Same as California.	Violation constituted a misdemeanor; fine, not less than $25 nor more than $100. (No imprisonment provided.)
Wisconsin	Ch. 712, Laws, 1913.	Industrial Commission.	Three, 6 years. One appointed biennially	$75,000 Annually.		Same as California.	Same as California.	Violator shall forfeit not less than $10 nor more than $100 for each offense.

II. THE FOREIGN LEGISLATION.

As to the operation elsewhere of Minimum Wage legislation, we quote here from the report of the Commission on Minimum Wage Boards of the Commonwealth of Massachusetts (1912):

"Such a system of (Minimum Wage) legislation has been in operation in the State of Victoria, Australia, since 1896, and in Great Britain since January, 1910. Some form of fixing legal minimum wages is also in operation in the other Australian states and New Zealand. In Victoria and England the minimum wages are determined by wage boards created for considering the special requirements of the respective industries or trades.

The Victorian System.

"In Victoria, at the instance of either employers or employees, or of the minister of labor, the legislature may authorize the creation of a special board, which is empowered to fix a minimum wage for a given trade. Employers and employees are equally represented upon such a board, and a non-partisan chairman is selected by the two parties at interest, or, if they fail to agree, is then appointed by the minister of labor. The chairman has a casting vote. *Determinations*, as the decisions of the special boards are called, if accepted by the minister of labor, are published in the Government Gazette and become law for that trade; but if the minister of labor considers that a determination may cause injury to the trade, he may suspend it for a period of six months, and then send it back to the board for reconsideration. There is also the court of industrial appeals, to which determinations may be referred, and this court has the power to amend or annul a determination. The decision of the court is final, but it may review its own decisions. Moreover, the court of appeals is specifically instructed to consider whether a determination has been or may be injurious to a trade, or may limit employment, 'and if of opinion that it has had or may have such effect, the court shall make such alterations as in its opinion may be necessary to remove or prevent such effect, and at the same time to secure a living wage to employees.'" (Factory and Shops Acts, 1905, No. 1975.)

The English System.

"In England, the industries in which the system may be applied are named by Parliament, but the Board of Trade may provisionally extend the application of the act to other industries, subject to subsequent continuation by Parliament. The wage boards, known as trade boards, are composed of representatives of employers and of workers in equal numbers, elected by the respec-

tive organizations, and of other members, including the chairman, appointed by the Board of Trade. The determinations of these trade boards are made obligatory by an order of the Board of Trade, but the Board of Trade may suspend the operation of the order. If the order is suspended the trade may after six months again renew its recommendation, and the Board of Trade may then issue an obligatory order or further suspend it. Minimum wage orders determined in this manner apply to both men and women, and they may apply universally to the trades or apply to any special process in the work of the trade, or to any special class of workers in the trade, or to any special area. The act (9, Edward VII, chap. 22), went into effect Jan. 1, 1910, and applied immediately to the trades of wholesale tailoring, box-making, lace-making and chain-making. The act has not been in operation long enough to judge of its ultimate success, but it was adopted after mature consideration by a select committee, whose laborious investigations included a field study by Ernest Aves, commissioner of the home office, into the workings of minimum wage regulations, both in Australia and in New Zealand." In 1913 wage boards were established in four additional trades, sugar, confectionery and food preserving, shirt-making, hollow ware, and cotton embroidery.

PART SECOND

EXPERIENCE UPON WHICH THE LEGISLATION PROVIDING FOR THE ESTABLISHMENT OF A LEGAL MINIMUM WAGE FOR WOMEN IS BASED.

THE EVILS OF LOW WAGES

A. PHYSICAL ASPECT.

(1) BAD EFFECT OF LOW WAGES ON THE HEALTH OF WOMEN.

The dangers to the health of women from low wages are two-fold: lack of adequate nourishment and lack of medical care in sickness.

1—Investigation proves that with insufficient wages, food is necessarily cut down below the level of subsistence and health inevitably suffers. In order to meet unavoidable expenses for lodging and clothing, working women often reduce their diet to the lowest possible point. Moreover insufficient clothing is more detrimental to persons who are underfed than to those who are well nourished.

2—Statistics prove that expenditures for medical treatment increase as income increases. Workers receiving the lowest wages are able to spend least on health and hence are often without care in sickness, although their need is greatest, by reason of low earnings and consequent hardship. The percentage of income spent for health has been found highest among factory workers.

Report of the Social Survey Committee of the Consumers' League of Oregon. CAROLINE J. GLEASON. *Portland, Oregon, 1913.*

The investigation has proved beyond a doubt that a large majority of self-supporting women in the state are earning less than it costs them to live decently; that many are receiving subsidiary help from their homes, which thus contribute to the profits

of their employers; that those who do not receive assistance from relatives are breaking down in health from lack of proper nourishing food and comfortable lodging quarters, or are supplementing their wages by money received from immoral living. (Page 24.)

Department store girls adrift rise nearer to a decent standard when they spend $118 per year, or nearly $10 per month for room rent. Board for them amounts on the average to $196.26, or $16.35 per month, which is 54 cents per day. This is divided between toast and coffee for breakfast, 10c; for lunch, meat, bread and tea, 15c; or salad, dessert and tea, 15c; and for dinner whatever they can manage to order for 25 cents. Picture these menus as a source of energy for ten hours' work in a factory or store, and two or three more hours' work "at home" in the evening. The average spent for one month on both room and board is $26.18, a sum which, it has been shown, will cover the cost of room and board when bargained for at one time. (Page 61.)

The investigation showed the fact that many young women avoid a doctor's care because of the expense, and sometimes because they know that it will mean an order to stop work—an order which to them seems impossible to fulfill. Medicines and eyeglasses are items which must not be forgotten here. Both are a decided expense, but the latter often means a repeated one on account of breakage. (Page 65.)

Wage Earners' Budgets. [*A Study of Standards and Cost of Living in New York City.*] LOUISE B. MORE. *New York, Henry Holt & Co., 1907.*

. . . There were 21 families, mostly with small incomes, who expended less than 5 per cent of their total expenditures for "sundries." Their average income was $509; the average for "sundries" was only $14.48. The deduction from this is that families on small incomes must spend practically their entire income for the actual necessities of life, i. e., food, rent, clothing, light and fuel, and that if sickness or death comes they must be helped by some outside source to bear the extra expense. (Page 94.)

Women Workers in Milwaukee. IRENE OSGOOD, *Special Agent. 13th Biennial Report Bureau of Labor and Industrial Statistics, 1907-1908.*

In the tanneries so far as could be observed, no great amount of serious illness existed. To be sure, many complained that the work "makes us sick." Many had trouble with their eyes. Many declared they "couldn't eat." Some complained of injuries from

over-lifting. Tuberculosis, too, was suspected in some cases and confirmed in several. But the great harm to the health of women in such work is the general and almost imperceptible undermining of the reserve power of the individual.

Men who are on a salary, or who are independent, may work long hours for many weeks, but to such there usually comes a time when they may take a rest without losing their incomes. This difference is too often ignored by well-to-do managers and superintendents who sometimes find great personal satisfaction in making comparisons between their long day and night business vigils and the ten-hour work day of their employes. The business manager may go to Europe for a month without losing his income. The salaried worker has his regular vacation. But if the wage-worker stops, the pay check stops too. If a factory girl is extremely tired or is really ill in the morning, she goes to work just the same. She does a poor day's work and drags herself home still more worn and dejected. And this continues. Her nervous system and youthful bodily strength give way little by little until ability to resist disease practically disappears. (Pages 1060-61.)

Women and The Trades. ELIZABETH B. BUTLER. *The Pittsburg Survey—Russell Sage Foundation Publication. New York, 1909.*

For social strength, it would seem that the question ought to be: What wage must a girl have in order to live decently, maintain sound health, and have reasonable recreation? For decency's sake, a community cannot afford to permit five girls from an iron mill to diminish expenses by sharing one room with five men from the same work place; neither can it afford to permit a girl to hire board and a couch in the kitchen of a crowded tenement flat for $3.00 a week. I question whether it can even afford the dimming of bright thoughts, the effacing of individuality, that tend to follow occupancy of one bed in the dormitory row of a working girls' home.

For health's sake, the community cannot afford to permit its girl members to receive a wage too low for nutrition, or for the refreshment of exhausted strength. It reacts ultimately to the harm of society when a garment worker has weak coffee for breakfast, goes without lunch altogether, and eats two or three sandwiches for dinner, as her habitual diet. She may keep up through her working life, but in her domestic relations she leaves a heritage of weakness and inefficiency. We all are the sufferers when a shop girl continues at her work after vitality has ebbed because her wages are too low to permit treatment or rest. (Page 349.)

The Standard of Living Among Workingmen's Families. ROBERT COIT CHAPIN, *Professor of Economics and Finance, Beloit College, Wisconsin. Russell Sage Foundation Publication. New York, 1909.*

Table 93 (page 188) shows more clearly how expenditure for the cure of sickness increases as income increases. The table shows the number of families, by income and nationality, that report spending less than $10, from $10 to $20, and so on. It will be seen that the number of families reporting the smaller sums is greatest in the lower income-groups and vice versa. Of the 132 families with incomes between $600 and $800 that report expenditure for health 48.5 per cent. spend less than $10, as against 36.6 per cent. of the 82 families with incomes of from $900 to $1100 that report expenditure for health. On the other hand expenditures of $75 and over are reported by 13.4 per cent. of the families in the upper income classes ($900 to $1099), and by but 3.8 per cent. of the families in the lower income classes ($600 to $799). (Pages 182 and 183.)

An examination of the cases of serious illness shows how such an illness draws on the slender resources of the family. An American family, for instance, in the $700 income group, reports spending $41.60 for a child who did not live, and for the mother, who suffers from nervous prostration. In another case in the same income group an expenditure of $41 is reported, with the statement that the mother had pleuropneumonia, following the birth of a child. These families spent 6 per cent. of their income, or three weeks' wages of the man, for relief in sickness. Items of $31, $24.50, $33, $53 must involve an even heavier burden on the families with from $600 to $700 that report them. In many cases where these expenditures on health-account are high, there is evident curtailment of expenditure in other directions. An abnormally low expenditure for the man's clothing appears in one schedule, wherein it is stated also that the man was laid up in the hospital for several weeks. In other cases where doctor's bills are large, expenditures for amusement and recreation and for miscellaneous purposes disappear.

To judge from all these data, it seems that the liability to disease does not vary greatly in the different income groups represented in our schedules, nor in different nationalities, but that the resources available for combating disease are much more limited among families with only $700 or $800 to live on. These families are accordingly thrown upon dispensaries and other free medical assistance, or else their members are left to succumb to the attacks of disease without adequate medical aid. If the family

undertakes to make better provision at its own charges, the result is a lowering of the standard of living at some other point. An income of less than $800 does not permit expenditures sufficient to care properly for the health of the family. (Pages 184 and 185.)

Homestead: The Household of a Mill Town, The Pittsburg Survey. MARGARET F. BYINGTON. *Russell Sage Foundation Publication. New York, 1910.*

One interesting point is that expenses incurred for health (which may well be grouped with these other home expenditures) count as a luxury to be indulged in only with increasing income. When, for instance, a child is ill, the state of the pocket-book, no less than the seriousness of the disease, determines whether the doctor shall be called. Tonics for the rundown in spring time are dispensed with in a laborer's home. (Page 87.)

But however strong the desire for money savings may be, it appears that with only a small margin above the sum deemed necessary for essentials, most families in the lower wage groups must face a choice between some present comforts and enjoyments and the peace of mind which a bank account gives. (Pages 97-98.)

The Living Wage of Women Workers. [*A Study of Incomes and Expenditures of 450 Women Workers in the City of Boston.*] LOUISE M. BOSWORTH, *Fellow, Women's Educational and Industrial Union. Longmans, Green & Co., New York, 1911.*

The problem of getting a sufficient supply of wholesome food at a price within her means is probably the most serious one that the woman on a small wage has to face. With nourishing, plentiful meals, other problems become less serious, and are met with comparative ease, but in an ill-nourished condition courage and initiative wane, perplexities multiply, and the woman loses heart for the struggle. (Page 40.)

It is true that a smaller amount spent for food may mean very much more adequate nourishment when the cooking is done at home. It is a question, however, whether the expenditure of strength which this exacts from a tired woman does not offset the advantage of more wholesome food. The landlady of one girl remarked, "Miss I—— often doesn't have any dinners. She gets home at 7 P. M. from the factory, and is too tired either to go out to dinner and climb the five long flights to her room or to cook anything for herself." And this is not an infrequent case. "I know that I ought to get my meals regularly," said another girl,

"but when I get home I am so tired that I don't feel like fussing to go out and buy stuff and bring it home and cook it." (Page 44.)

The standard of living in respect to food varies considerably for different occupations. . . . The factory worker pays the smallest amount for food; her entire expenditure is only $2.84 per week, or 38.64 per cent. of her income. (Page 45.)

Expenditure for health varies considerably for different occupations and wage groups, both in respect to amount of outlay and its proportion to income. It is not possible, however, to draw definite conclusions from the figures as to the effect on health of workers in the various occupations and wage groups. Workers receiving low wages are often obliged to do without needed medical treatment, although by reason of small earnings and consequent hardship they may need it the more. (Page 76.)

. . . The percentage of income expended for health by the factory woman is also the highest, 6.27 per cent. The percentages for other classes are: Saleswomen, 5.33; professional, 3.79; waitress, 3.14; kitchen, 2.52. It may be concluded, therefore, that factory women as a class have a comparatively heavy burden in caring for their health. (Page 76.)

Report on Condition of Woman and Child Wage Earners in the United States. Vol. V. Wage-Earning Women in Stores and Factories. Senate Document No. 645, 61st Congress, 2nd Session, 1911.

In all too many instances the reader will find, between the expenditures for the current and incidental necessaries and the average earnings, little or no margin for clothes. Usually this has but one meaning: The girls have given the cost of such food as they get for themselves when other demands are not more urgent. When clothes must be purchased, when emergencies arise, something must be cut from the expenditures for the current necessaries in order to meet the demand for periodic necessaries. It is wholly intelligible and quite pardonable that the majority of these girls, whose earnings were inadequate, should have concealed the methods of making up the deficit. It is but the impulse of the self-respecting to "put the best foot forward." "You see I'm dieting," said a frail slip of a department store girl as she held out her tray upon which the cafeteria cashier, in the presence of the Bureau's agent, put a 2-cent check, covering the cost of the girl's lunch—a small dish of tapioca. She may have been dieting, but the evidences were pathetically against the need thereof, and there were some things telling other tales to a thoughtful ob-

server. The girl's shoes and waist and skirt were plainly getting weary of well doing, and to hold her position as sales-woman they must soon be replaced. Was she finding a way? She is given, not as an illustration of the majority, but as a type of many whose earnings are inadequate.

In a number of cases ways of making ends meet were made plain. For example: Sarah J. was first called upon in a reasonably comfortable boarding house, where she paid $4 a week for her accommodations. When the agent went a second time, in order to complete the schedule, Sarah had moved into a cheaper lodging house, where she was getting her own meals. Her own explanation was that it was time to get some new clothes and she had to "save it out of her board."

"Oh, my; where would we get our clothes if we bought meat every day?" was the way in which one of the group of four housekeeping girls answered the query as to this detail of housekeeping expenses. A woman who has spent ten years keeping a lodging house for factory and department store girls, not as a philanthropy but as a means of livelihood, said to the agent: "The girls' stories to the contrary notwithstanding, very few of those getting their own meals have adequate breakfasts. In some cases, of course, this is due to a desire to sleep late in the morning, but in most cases it is due to the necessity of making ends meet—when the wardrobe must be replenished, or when additional contributions to dependent relatives must be made, or doctor's bills or medicines make demands upon the meager earnings." (Pages 17-18.)

Taking up first for detailed study the women keeping house, represented, as we have seen, by 267, or 16.6 per cent., of the total of 1,607 for whom the information necessary was secured. (Page 54.)

For the woman keeping house the average cost of food, shelter, heat, light, and laundry is $3.18, and the average weekly earnings are $6.57. There is left $3.39 out of which she must pay for the clothes and living of herself and dependents, and for doctor bills and other inevitable expenses.

It would seem sufficiently obvious from these facts that there will be no margin for recreation or amusement for the woman with such responsibilities as the entire dependence of one or more persons entails, and 17.2 per cent. of the women keeping house have these responsibilities. More than that, her standard of living must be low, and her time, strength, and energy all exhausted in the effort to gain a livelihood. Besides working all day in the factory or shop or store, she has to do the cooking, sewing, and

housework also, with sometimes the inefficient help of a child too young, or a relative too old or incapacitated to work.

Sometimes, too, the work of the day is supplemented with work at home in order to earn enough to meet the necessary expenses. A number of women take in washing besides their regular work. (Page 57.)

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But if they are thrown entirely on their own resources their problem is more difficult. As has been said, they must be good managers; but "good management" in many cases consists in going without food. Usually it is breakfast or luncheon. In a cafeteria in the city, where many women employed in stores get their luncheon, the cashier is often told "I have forgotten my purse; will you trust me until next Tuesday?" when the cashier knows that next Tuesday is just after the next pay day and the girl hasn't the money to pay for her food, and is too proud to tell the truth. The cashier stated to the agent that, with very few exceptions, the women are honorable and pay the money as soon as they get it.

Then comes the question of clothes. They are often found making their clothes in the evening from materials bought at sales with money saved from food. Sometimes they owe the landlady for their room rent, but she is kind hearted and lets them pay her some week when no clothes have to be bought. Very often a married sister or brother helps in purchasing a pair of shoes or a winter coat. All these methods of making ends meet appeared either on the schedules or in the interviews with the women visited. (Pages 185-186.)

Report on Condition of Woman and Child Wage Earners in the United States. Vol. 16. Family Budgets of Typical Cotton Mill Workers. Senate Document No. 645, 61st Congress, 2nd Session, 1911.

In visiting large numbers of families in many different communities of the South, it was found that the manner of living of some of them was such that they appeared to be physically inefficient as a direct result of it. They seemed to be underfed and underclothed. There was not enough fire to keep them warm. Mere observation could not determine conclusively the cause of this state of affairs.

The study of incomes revealed some so low that it seemed that no family could live upon them without suffering. (Page 133.)

. . . Fifteen out of the 75 families have incomes that fall

below the sum necessary to maintain the minimum standard, 38 have incomes above the minimum but below the fair standard, but two barely exceed the minimum, and only 22 have incomes that are above the fair standard.

This means that 20 per cent. of these people are living in the direst poverty. They are underfed, or underclothed, or they have not enough fire to keep them warm. In the majority of cases the incomes fall so far below the minimum standard that they must be suffering from the lack of everything—food, clothes, and fire. Because of their weakened conditions, they are the readiest victims of disease, yet they are the ones who must forego medical attention unless some kind-hearted physician bestows his services upon them. . . .

There are 50.7 per cent. (38 out of a total of 75) of the families who have incomes above the sum necessary to maintain the minimum standard but below that required for the fair standard. All of these are living in poverty of one degree or another. Some are barely above the starvation line; others have enough for food and clothing and a few of the other things considered as necessaries in the fair standard of living, yet they feel the pinch of poverty somewhere. It is not safe to assume that none of these people are underfed or underclothed, for there are certain things included in the fair standard, like expenses for sickness and death, which would have to be met at the sacrifice of food and clothing. (Page 170.)

The Standard of Living Among the Industrial People of America. FRANK HATCH STREIGHTOFF. *Houghton Mifflin Co., Boston and New York, 1911.*

Since physical health is indispensable to the highest intellectual development, food is the foundation of mental as well as bodily efficiency. Properly to perform its physiological functions, diet must have two constituents—proteids for body building, and fats and carbohydrates to furnish energy, whether for immediate use or to be stored against future demands. (Page 86.)

Although there has been much discussion as to the amount of food really needed by human beings, the question has never been settled. Professor W. O. Atwater concluded that a man at moderately active work should have 115 grams, or .25 pound, of available protein, and enough fats and carbohydrates to produce in all 3,400 calories of heat. (Page 87.)

Clothing, Mrs. Richards calls "the corollary of food." While diet furnishes the material from which tissue is created and renewed, and the energy by means of which the body does its work,

good clothes, like the packing about a steam pipe, act as an insulator—conserve the body heat. A man sufficiently dressed does not need so much food as one poorly clothed. Conversely, a well-nourished man does not need so many clothes as one underfed. (Page 103.)

A clear understanding of what the standard of living is permits some appreciation of its significance. In the first place, unless the standard includes adequate food, clothing and shelter, health will inevitably suffer and the race will degenerate physically. If, on the contrary, men obtain a proper satisfaction of these fundamental wants, not only will health be preserved and improved, but a foundation will be laid for intellectual progress. (Page 7.)

Report of the Massachusetts Commission on Minimum Wage Boards. Jan., 1912. House No. 1697.

Even with women who have no other assistance, the wages may be forced below the minimum cost of living, without provision for the assurance of health, for unemployment, or for old age, and this deficit must inevitably come ultimately as a charge on society. This class already includes no small proportion of the working women, and with the present tendencies in industrial life women may be obliged to depend more and more upon their unaided efforts for a livelihood. (Pages 16-17.)

The proposition that underlies this interference with the contractual relations of employer and employee is that, on the broad scale and in the long run, earnings as distinct from wages, cannot be less than the necessary cost of maintaining the worker alive and in health. No mechanical or labor-saving device used in industry can be worth less than the cost of its manufacture and maintenance. The normal human worker cannot earn less than a like cost. (Page 18.)

The proposed legislation is therefore recommended for the following reasons:

1—It would promote the general welfare of the State because it would tend to protect the women workers, and particularly the younger women workers, from the economic distress that leads to impaired health and inefficiency. (Pages 25-26.)

The unhealthfulness of the trade, however, has a vital connection with wages. The workers' earnings should enable them to live well enough to preserve their health and strength at a normal point, or they should be sufficient to compensate for time lost because of illness due to the occupation, and to allow them to save against the day when they may well be broken down. (Page 144.)

A Minimum Wage for Workers. Addresses by H. LA RUE BROWN, *Chairman of Massachusetts Minimum Wage Commission, and* MRS. GLENDOWER EVANS, *Member First Massachusetts Minimum Wage Commission. City Club Bulletin of Philadelphia, Jan. 27, 1913.*

If the difference between income and expense is not met in any of these ways, if the girl clings to the ideals she learned, if she is getting five dollars ($5) a week and it costs her seven dollars ($7) to live properly, where is that two dollars ($2) difference coming from? Who is paying it? You and I are paying it in *flesh and blood.* We are paying it in the most splendid asset that society can have. And we are not only paying it in the cost to that girl of her own health and strength, and in the probability that she is going to be one of the dependents for whom you spend your five million dollars or ten million dollars, but you are paying it in the deterioration of the physique and in the inefficiency of the generations that are going to come, because it is the women who are living today who are going to be mothers of the next generation. If thousands of young women are living in a state of semi-starvation and under-nourishment, easy prey to disease and nervous collapse, unfit for motherhood and facing an old age of dependence, it is not only matter for wonder that so many are so patient, so uncomplaining, so good, but it is your duty, and my duty, and it is your interest and my interest, as members of society, to find out what we can do to set our house in order, if for no other reason than because it pays. (Page 200.)

It is easy to talk about the family unit. It is easy to use high-sounding phrases about economic laws, but if you will look at the records of the tuberculosis camps, if you will look at the records of the hospitals, the cases of anemia and nervous breakdown, to say nothing of other less pleasant records about us, you will find that it is less expensive to pay out that cost directly in wages rather than indirectly as we are paying it now. (Page 202.)

If an employer, buying labor at the cheapest figure at which it can be secured, succeeds in paying less than it costs the laborer to live, then, in so far, he is shifting the cost of production or of distribution to other people's shoulders. His is to that degree a *parasitic* industry. And while he may be making money for himself, it is at a ruinous cost to the community if at the same time he is manufacturing prostitutes or human beings so under-nourished that they are worn out while still young and become incapable of bringing forth healthy offspring. It is specifically upon this ground that much of the legislation protecting women is held constitutional in Massachusetts and in some other states;

it is being argued as a matter of public well being that the mothers of the next generation should be protected from a ruinous exploitation. It is not as an act of justice, or even an act of mercy; it is social self-preservation. The whole body, it is obvious, must perish when a too considerable part becomes diseased. In England and in Australia, which countries are not bound by our constitutional limitation, the well being of men as well as of women is held to be vital to the state, and wage boards accordingly are applicable to both men and women. (Mrs. Evans, page 204.)

Second Report of the New York Factory Investigating Commission, 1913. Appendix IX. Mercantile Establishments.

Of even greater importance than the demand of the work and the hours of labor are the prevailing wages paid to girls and women employed in department stores. Their whole standard of living obviously is set by the adequacy or inadequacy of the wages. We have seen that during rush seasons the inroads upon the health of the workers are undeniable. It is, then, clearly of the highest importance that the vigor of the girls should be repaired as far as possible by nourishing and sufficient food. This is the most elementary requisite. A wage to be considered really adequate must assure the girls not only a minimum of food, but also an assured income for the other essentials of daily life: lodging, car fares, clothes, recreation, and provision for possible sickness. (Page 1257.)

Since the earnings are not adequate for self-support, it is apparent that the standard of living in a large number of cases must be depressed below the level on which health and efficiency can be maintained. Yet the working efficiency of the individual is primarily dependent on her standard of living. The inadequacy of the wage is an evil which no amount of care in the sanitary appointment of the stores nor hospital service, nor welfare work can compensate for. (Page 1263.)

In New York City, where living expenses are highest, the proportion of those earning less than $7 was 44 per cent. These wages, though higher than those paid in five and ten cent stores, are also clearly beneath the level of subsistence. Such is the income of these women. The Massachusetts Minimum Wage Commission estimated that $9 to $11 is a "living minimum wage for women."

In some way, therefore, the difference must be met between the ascertained earnings of these New York women and their necessary expenses of living.

The girls often live with such excessive economy and upon such short rations that health suffers and future earning capacity is permanently undermined. Thus the workers themselves are made to pay unfairly in strength and vigor, instead of receiving a living wage from the industry which employs them. (Pages 1260-1261.)

Poverty—A Study of Town Life. B. S. ROWNTREE. *Macmillan & Co., London, 1901.*

Particulars were obtained regarding 11,560 families. (Page 26.)

Unless an unreasonably stringent diet be adopted, the means to purchase a sufficient supply of nourishing food are not possessed by the laborers and their families. The serious physiological effects of inadequate food have already been pointed out, and they are powerfully attested by the health statistics. But it may be doubted if the English public has yet recognized their economic importance. The relation of food to industrial efficiency is so obvious and so direct as to be a commonplace amongst students of political economy. "What an employer will get out of his workman," as a well-known economist has reminded us, "will depend very much on what he first gets into him." (Page 260.)

If his diet be liberal, his work may be mighty. If he be underfed, he must underwork." . . .

. . . If adequate nourishment be necessary to efficiency, the highest commercial success will be impossible so long as large numbers even of the most sober and industrious of the laboring classes receive but three-fourths of the necessary amount of food. (Page 261.)

Women's Work and Wages. A Phase of Life in an Industrial City. EDWARD CADBURY, M. CECILE MATHESON, AND GEORGE SHANN. *T. Fisher Unwin, London, 1906.*

How is this anomaly of taking a woman's life and giving her less than the living wage of her standard affecting the woman of England? We have mentioned the results in the premature narrowing or ageing of many of our educated workers; we could mention more if we could get statistics of nervous collapse and illness or search the lists of homes and institutions. Fortunately some women who have not the ability or good fortune to reach the top of their profession escape the results of under-payment through their private circumstances. Many of all classes accept the downward pressure as inevitable, and quietly shrink out of sight and descend step by step. Take the lower classes, and we come to

the great crowd of those who just live, are content with their lives, and remain where they are in an easy acquiescence, marry, and work on in one way or another until death cuts them off, or old age and infirmity make them turn to indoor or outdoor relief. And the great crowd of those lower still, who just do not make enough on which to live, who are always underfed and underclothed; what of them? (Page 189.)

Sweating, by EDWARD CADBURY AND GEORGE SHANN. *Headly Bros., London, 1907.*

Even if it were true that the community would have to pay for reform, it would be well worth the cost, for there are two sides to the account, and a slight examination shows that the community is already paying a price for the present condition of things, which is no less heavy because hidden and little realized by the majority of people.

One item in this cost is the diminished health and vitality of the sweated workers. Even if these men and women expend their miserably low wages with the utmost wisdom and efficiency, it is impossible for them to obtain the necessaries for health and comfort. The consequent low vitality predisposes them to attacks of illness in various forms. And this weakness is passed on to the children, because even if the children are born healthy, insanitary surroundings and poor and insufficient food tell their tale, and so a new generation of inefficients is reared. (Page 45.)

Stinting of necessaries for efficiency means a direct economic loss to the nation, because it is a degradation of the labor power of the community. (Page 50.)

It is amongst this class of people, also, that the highest rate of infant mortality is found. One woman known to the writers, a match-box maker, has had seventeen children, out of which three only are alive. Nor is this an isolated case. The recent report of the Inter-Departmental Committee on Physical Deterioration, amongst other causes of physical degeneracy, emphasizes overcrowding, pollution of atmosphere, and bad conditions of employment. Now, although there are other reasons for poverty besides inadequate wages, it still remains that this is one of the causes that lead to overcrowding with all its accompanying insanitary surroundings. As to the effects of overcrowding, the report is instructive. In Glasgow the general death rate in overcrowded tenements is nearly twice that of the whole city, and the death rate from consumption increases with these conditions. Similar results have been shown to obtain in Finsbury, and, of course, the same effects are found in most, if not all, of our large towns. It

is also shown by experts that "as the proportion of people living in overcrowded tenements increases, so does the infant death rate, going from 180 to 196, and then to 193, and then going on to 210, 222 and 223" (per thousand). (Pages 55-56.)

When the degradation of labor reaches a certain point, the people affected tend to accept their lot and adapt themselves to the low standard of life. When the laborer cannot maintain himself at a reasonable standard of decency and comfort, the decline in industrial efficiency is rapid. And this is not merely a question of physical efficiency. All the distinctively human qualities that are implied in hopefulness, freedom, self-respect and social ambition, and which are so valuable a national asset, are deteriorated or lost; and thus we get men and women whose spirits are broken, and who become inefficient casual laborers or worse. For it must be remembered that unrestricted competition and substitution are economic forces that are always tending to keep this class of labor down, if not to push it lower. Because they cannot compete with the steadier or stronger laborers, they tend to become a shifting irregular class who compete with each other and with more regular and better paid workers just above them, and who are ever ready to play into the hands of unscrupulous employers. Thus we get the conditions and material out of which spring so many social and industrial problems. (Page 64.)

The Prevention of Destitution. SIDNEY AND BEATRICE WEBB. *Longmans, Green & Co., London, 1911.*

. . . Any doctor who stops to think can tell us that the actual loss of wages through ill-health in the wage-earning class must run into many millions sterling every year—certainly a hundred times as much as the loss by strikes and lockouts. What is more serious is that it is just among the poorest section of the wage earners that this loss of earnings through ill-health is greatest, not only because the casual laborers and the sweated home-workers have most ill-health, but also because, in the absence of those more humane arrangements which are enjoyed by clerks, by domestic servants and sometimes by workmen employed at weekly or monthly rates, it is just among the poorest section that a day's absence from work most invariably means the loss of a day's wages. To the ten or twelve millions of the population existing in the United Kingdom on earnings of less than a pound a week for the whole family, the constant drain of sickness is a perpetual menace to their economic independence. Let the sickness rise above the normal and down goes the family into the morass of destitution. (Pages 17-18.)

A large amount of the sickness in working class households is due simply to the lack of food, to the over-crowding of the dwelling, to the inability to take either adequate rest or precautions against exposure, all this arising directly from want of money. An enormous proportion of the child destitution that we have described comes, not from any carelessness or cruelty of the parents, but from sheer insufficiency of income to permit those who are neither saints nor geniuses to obtain good nurture for their children. It is quite true that, so far as concerns all the sickness and child destitution arising solely from the parents' insufficiency of earnings, by far the best method of prevention is to insure to every willing worker regular employment at an adequate wage. (Pages 86-87.)

The Church and Citizenship, by R. LATTER. *A. R. Mowbray & Co., London, 1913.*

. . . A man cannot do the best work if he is not in a state of physical and mental efficiency. His work is worth to him the exact amount of energy he has expended in doing it. The work he does takes a certain amount of strength and a certain amount of vitality from a man. He spends on it a certain amount of his *life*. If he does not receive sufficient payment to enable him to make up this expenditure by necessary rest and nourishment, he spends a little more of his life than is restored to him. To be perpetually over-tired and underfed means in the end physical exhaustion, and not only are these people who work long hours for small pay suffering distress now, but their lives are being shortened—they will "wear out" the sooner. (Pages 20-21.)

The Living Wage. PHILIP SNOWDEN, M. P. *Hodder & Stoughton, London, 1913.*

The inability of the working classes to command necessaries is shown in no direction more pitifully than in the preventable suffering they have to endure owing to their inability to obtain adequate medical attention and skill. The workers have made heroic efforts to provide for times of sickness and misfortune by individual savings and by association in voluntary societies. But for most of them it has been a futile struggle. (Page 52.)

The result has been a death rate among the poor far in excess of that among those who could afford to obtain the best attention; or lingering illness which has reduced the family to abject poverty, bringing pauperism, physical inefficiency and disease. (Pages 52-53.)

The living wage is demanded on the ground of physical and social necessity. Nature has imposed the necessity of an adequate provision of food, shelter, clothing, and rest, if health and life are to be maintained. (Page 165.)

The real purpose of social organization is to secure the better satisfaction of individual needs, and by co-operation to make the best possible use of all the resources at the service of humanity. Social organization fails when out of its abundance it leaves individuals, through no fault of their own, without adequate food, shelter, clothing and rest; and in a civilized community without a share in the intellectual heritage of the race. The demand for a living wage is a demand that by social organization there shall be assured to every person who is able and willing to perform a reasonable share of work such maintenance as Nature demands, and such a share in our civilization as will make him a happy and useful citizen. (Page 166.)

(2) BAD EFFECT ON THE NEXT GENERATION.

Health is the foundation of the state. When the health of women has been injured in industrial work, not only is the working efficiency of the community impaired, but the deterioration is handed down to succeeding generations. The health of the race is conditioned upon preserving the health of women, the future mothers of the Republic.

Report of the Social Survey Committee of the Consumers' League of Oregon on the Wages, Hours and Conditions of Work and Cost and Standard of Living of Women Wage Earners in Oregon With Special Reference to Portland. CAROLINE J. GLEASON, *Portland, Oregon, 1913.*

The present conditions of labor for women in many industries are shown by this report to be gravely detrimental to their health; and since most women wage earners are potential mothers, the future health of the race is menaced. (Page 6.)

Report of the New York Bureau of Labor Statistics, 1884. Hygiene of Occupations, by DR. ROGER S. TRACY, *Sanitary Inspector of the Board of Health, New York.*

As the physical condition of women has such an important bearing on the welfare of the race, and on the health of future generations, it becomes fairly a question of government control. (Page 199.)

Report of the Massachusetts State Board of Health. 1873. EDWARD JARVIS, M. D.

All additions to the physical, moral, or intellectual power of individuals in any individual are, to that extent, additions to the energy and the productive force—the effectiveness of the State; and on the contrary, all deductions from these forces, whether of mind or body—every sickness, and injury or disability, every impairment of energy—take so much from the mental force, the safe administration of the body politic. . . .

The State thus has an interest not only in the prosperity, but also in the health and strength and effective power of each one of its members. (Page 336.)

Report of the Ohio Inspector of Workshops and Factories. 1890.

. . . It must be remembered that these female factory employees will in all probability at some time become mothers, and to be broken down in health when that important period of their life arrives, would certainly be conducive to evil results, and a condition we should strenuously endeavor to avoid. (Pages 37-38.)

American Academy of Political and Social Science. Vol. XXVII. No. 3, 1906. Philadelphia. Physical and Medical Aspects of Labor and Industry. FREDERICK L. HOFFMANN, *Statistician Prudential Insurance Co. of America, Newark, N. J.*

. . . If the duration of life has, on the average considerable economic value, then it manifestly must be to the advantage of the state and the employers of labor that nothing within reason be left undone to raise to the highest possible standard the level of national physique and of health and industrial efficiency. . . . The interests of the nation, of wage earners as a class, and of society as a whole, transcend the narrow and selfish interests of the short-sighted employers of labor who, disregarding the teachings of medical and other sciences, manage industry and permit the existence of conditions contrary to a sound industrial economy and a rational humanitarianism. There can be no question of doubt but that at the present time the average life and industrial efficiency of a workingman in the United States is not what it should be, and it is manifestly the duty of the State, of employers of labor, of labor associations, and of workingmen themselves to take the facts of the problem into consideration and by intelligent co-operation raise to the maximum the standard of life and health in American industry. (Page 484.)

Journal of Political Economy. Vol. XIV. 1906. Legislative Control of Women's Work. By S. P. BRECKINRIDGE.

The assumption of control over the conditions under which industrial women are employed is one of the most significant features of recent legislative policy. In many of the advanced industrial communities the State not only undertakes to prescribe a minimum of decency, safety, and healthfulness, below which its wage earners may not be asked to go, but takes cognizance in several ways of sex differences and sex relationships.

. . . In the third place, the State sometimes takes cognizance of the peculiarly close relationship which exists between the health of its women citizens and the physical vigor of future generations. . . . It has been declared a matter of public concern that no group of its women workers should be allowed to unfit themselves . . . for the burden of motherhood which each of them should be able to assume. (Page 107.)

The object of such control is the protection of the physical well-being of the community by setting a limit to the exploitation of the improvident, unworkmanlike, unorganized women who are yet the mothers, actual or prospective, of the coming generation. (Pages 108, 109.)

Report of the Minnesota Bureau of Labor, Industries, and Commerce. 1907-1908.

In Europe, where large standing armies are maintained and the physical condition of the race as a race is more minutely noted, there has long been an appreciation of the importance of maintaining the health of the mother. (Pages 243-244.)

Report of the Wisconsin Bureau of Labor and Industrial Statistics. Part III. 1907-1908. Industrial Hygiene and the Police Power; Being a Reprint of a Paper on the Legitimate Exercise of the Police Power for the Protection of Health, by HENRY BAIRD FAVILL, *M. D.*

In the industrial world, health is the foundation of productiveness and the bulwark of economy. That society and progress depend utterly upon these factors can hardly be questioned. It is hence only necessary to reach a conclusion as to the fundamental importance of health as related to the product of any individual or to have a comprehensive grasp of the elements of waste and dissipation in social affairs to at once put the question of public

health as a thing apart to be dealt with as a social problem irrespective of its particular bearing upon any class of citizens. (Page 480.)

We must study the relation of health to labor. . . . It is agreed that labor legislation must have its foundation in clear economic advantage. It is perhaps not so well agreed, but the idea is rapidly growing, that of all the factors of an economic advantage, health is the most crucial. Upon this hypothesis, therefore, the conclusion may rest, that the logical primary step is the establishment of broad and effective study of health as related to laboring conditions. (Pages 485-486.)

Report of the Nebraska Bureau of Labor and Industrial Statistics. 1907-1908.

Scientists and thinkers have pointed out that health and vitality are the capital of society. It follows, then, that any lessening or weakening of the natural power of womanhood over the race will be distinctly injurious. To lower the standard of bodily strength will bring a disastrous reaction on society later. . . . Prevention of these things is the object of about all of the laws passed in recent years by progressive States and Nations. In too many instances the laws are crude and give too wide a latitude for transgressors. (Page 33.)

National Child Labor Committee. New York. Proceedings of the Fifth Annual Conference. Chicago, Ill., 1909. The Federal Children's Bureau. HENRY B. FAVILL, M. D. *Chicago, Ill.*

Absolute control of the health of the individual can never be the function of the State. Control of the conditions under which the lives of the people shall be lived and their energies expended is an inevitable necessity. The State will approach this problem from the standpoint of self-preservation. Defective health is the foundation of crime, pauperism, and degeneracy, as well as that widespread inefficiency due to obvious disease.

All sociologic forces have come to recognize this fact. The physical well-being of the people is the deepest interest of the State. (Pages 37-38.)

Handbuch der Hygiene. Bd. 81. [*Handbook of Hygiene. Vol. 81.*] *Edited by* Dr. THEODORE WEYL. *Hygienische Fuersorge fuer Arbeiterinnen und deren Kinder.* [*Hygienic Care of Working Women and their children.*] Dr. AGNES BLUHM. *Jena, 1894.*

Women bear the following generation whose health is essen-

tially influenced by that of the mothers, and the State has a vital interest in securing for itself future generations capable of living and maintaining it. (Page 83.)

Two leading reasons exist for the newly developing codes of protective laws relating to woman in industry. She requires special care because:

1. She is physically not as strong as man.
2. She is the bearer of the future race whose health and vigor will be markedly influenced by hers, and the State must therefore feel the keenest interest in securing a vigorous and efficient posterity. (Page 83.)

Handbuch der Hygiene. Bd. 81. [*Handbook of Hygiene. Vol. 81.*] *Edited by* Dr. THEODORE WEYL. *Allgemeine Gewerbehygiene und Fabrikgesetzgebung.* [*General Industrial Hygiene and Factory Legislation*] Dr. EMIL ROTH. *Jena, 1894.*

. . . The preservation and vigor of the family are the first essentials of all social reforms. . . . The protection of labor is not only a postulate of humanity and of morals, but above all else, of the national health.

The aim and purpose of our work is to benefit the whole race, by bringing the egoistic desires of individuals into harmony with the purposes of a unified society. (Pages 1-3.)

Schriften der Gesellschaft fuer Soziale Reform, Heft 7-8. [*Publications of the Social Reform Society. Nos. 7 and 8.*] *Die Herabsetzung der Arbeitszeit fur Frauen und die Erhohung des Schutzalters fuer jugendliche Arbeiter in Fabriken.* [*The Reduction of Women's Working Hours and the Raising of the Legal Working Age for Young Factory Employees.*] Dr. AUGUST PIEPER *and* HELENE SIMON. *Jena, Fischer, 1903.*

The protection of health takes precedence over everything else. The health of women is more quickly undermined in wage-earning occupations than that of men, partly because they are less strong and resistant and partly because they are burdened with domestic as well as industrial labor—more especially when, as married women, they have to care for a family. (Page 4.)

Whether the working woman as such is less resistant to injurious conditions than the working man is immaterial. What is important to remember is that her sex doubles the claims made

upon her, and it is this that undermines her vital resistance. To the physiological burdens and the overwork due to a combination of housework and industrial toil, imperfect nutrition, and deficient recreation are often to be added—she has, in short, distinctly, an average standard of living that is inferior to that of men. (Page 91.)

Die Arbeitszeit der Fabrikarbeiterinnen. Nach Berichten der Gewerbe-Aufsichtsbeamten bearbeitet im Reichsamt des Innern. [*The Working Hours of Women in Factories. From the Reports of the German Factory Inspectors. Compiled in the Imperial Home Office.*] *Berlin, Decker, 1905.*

The reports from Merseburg, Erfurt, Breslau, Hanover, Wurttemberg, and Offenbach dwell upon the dependence of future generations—their total efficiency and value—upon the protection of working women and girls. (Page 111.)

The report for Wurttemberg says, in regard to the injurious effect of factory work: "The children of such mothers—according to the unanimous testimony of nurses, physicians, and others who were interrogated on this important subject—are mostly pale and weakly; when these in turn, as usually happens, must enter upon factory work immediately upon leaving school, to contribute to the support of the family, it is impossible for a sound, sturdy, enduring race to develop." (Page 111.)

Grenzfragen des Nerven und Seelenlebens. Bd. VI. [*Borderland Problems of Nervous and Psychic Life. Vol. VI.*] *Edited by* Loewenfeld *and* Kurella. *Ueber die geistige Arbeitskraft und ihre Hygiene.* [*On Mental Working Power and its Hygiene.*] Dr. L. Loewenfeld. *Weisbaden, Bergmann, 1906.*

The efficiency of the individual is a part of the national efficiency. If one considers how rushing and incessant the commercial rivalry of civilized states is today, and realizes how closely the results of this struggle depend upon the intellectual capital which the nations have at their command, one is obliged to admit what a great significance for national welfare there is in the mental working capacity of the individual. But among those most concerned there has been, as yet, by no means adequate recognition of this fact. . . . We are still far from being able to say that all is done than can be done, by private initiative and by the state, to preserve and develop the brain power of the nation. (Page 68.)

Revue d'Hygiene et de Police Sanitaire. La Protection de la Femme dans l'Industrie. [*The Protection of Woman in Industry.*] Dr. Henri Napias. *Paris, Masson et Cie. T. XVIII. 20 Mars, 1896.*

Everyone knows that there is still much to do, and that, if our legislation has already bettered conditions, new ameliorations are desirable, but they will come, I think, only through the pressure of public opinion, . . . which will become exacting . . . when doctors have made clear the utility of a protection which looks not only to the woman, but, secondarily, the child to be born by her; when it knows better that to protect the mother is an absolute necessity for the future of the race. (Page 193.)

Revue d'Economie Politique. T. XVI. 1902. La Protection legale des Travailleurs, est-elle Necessaire? [*Is Legal Protection for Working People Necessary?*] M. Raoul Jay, *Professor of Law, University of Paris.*

The strength of the nation is the strength of the individuals that compose it. No one contests the terrible consequences that a nation must expect that subjects its children to labor which checks their physical and mental development. . . . But to safeguard the nation's interest it does not suffice merely to regulate child labor. "To protect the child and not to protect the mother is an absurdity."

The Case for the Factory Acts. Edited by Mrs. Sidney Webb. *London, Richard, 1901.*

It may be enough for the individual employer if his workpeople remain alive during the period for which he hires them. But for the continued efficiency of the nation's industry, it is indispensable that its citizens should not merely continue to exist for a few months or years, but should be well brought up as children, and maintained for their full normal life unimpaired in health, strength, and character. The human beings of a community form as truly a portion of its working capital as its land, its machinery, or its cattle. If the employers in a particular trade are able to take such advantage of the necessities of their workpeople as to hire them for wages actually insufficient to provide enough food, clothing, and shelter to maintain them and their children in health; if they are able to work them for hours so long as to deprive them of adequate rest and recreation; or if they subject

them to conditions so dangerous or insanitary as positively to shorten their lives, that trade is clearly using up and destroying a part of the nation's working capital. (Pages 20-21.)

. . . Industries yielding only a bare minimum of momentary subsistence are therefore not really self-supporting. In deteriorating the physique, intelligence, and character of their operatives, they are drawing on the capital stock of the nation. And even if the using up is not actually so rapid as to prevent the "sweated" workers from producing a new generation to replace them, the trade is none the less parasitic. In persistently deteriorating the stock it employs, it is subtly draining away the vital energy of the community. It is taking from these workers, week by week, more than its wages can restore to them. A whole community might conceivably thus become parasitic on itself, or, rather, upon its future. (Page 22.)

History of Factory Legislation. B. L. HUTCHINS *and* AMY HARRISON. *Westminster, King, 1903.*

Women are "not only much less free agents than men, but they are physically incapable of bearing a continuance of work for the same length of time as men, and a deterioration of their health is attended with far more injurious consequences to society." (Page 84.)

Labor Laws for Women in Australia and New Zealand. Women's Industrial Council. London, 1906.

The workers in these miserable trades deteriorate in health and efficiency, and their children growing up ill-nourished and unhealthy, continue the supply of cheap, inefficient, unorganized labor. Labor of this class, though cheap to the employer, is by no means cheap to the community. It continually helps to recruit the various classes of weaklings and degenerates; paupers, invalids, criminals, the mentally and morally deficient of various types. Employers who pay wages or maintain conditions insufficient for the health and efficiency of the employed are in reality accumulating a burden of sickness, poverty and incapacity, which in the end has to be borne by the taxpayer, and that is by no means the full extent of the evil, for the population itself in so far as it is engaged in or influenced by these industries tends to become deteriorated from one generation to another, and thus the parasitic trades are feeding on the very springs of national life and character. (Page 1.)

Women's Work and Wages. A Phase of Life in an Industrial City. EDWARD CADBURY, M. CECILE MATHESON *and* GEORGE SHANN. *T. Fisher Unwin. London, 1906.*

How, then, does the present system of payment affect women? There is first a waste of nerve and spirit, a continual temptation to overwork in order to maintain a standard that ought to be maintained, and hence much ill health and early deterioration of physique; lower in the scale we find an acquiescence in conditions which are, to say the least, not conducive to progress; and lower still there is no possibility of escape from actual physical deterioration. It is not a hopeful prospect for the mothers of the coming generation. (Page 191.)

B. MORAL ASPECT.

(1) BAD EFFECT ON GENERAL STANDARDS OF LIVING.

Investigation proves that the standard of living is fixed by the wages received. With insufficient wages, expenditures for living must be curtailed below the requirements of healthful existence. Overcrowding in housing with the consequent loss of all privacy, the struggle to obtain necessary clothing, and the lack of all legitimate recreation, have been found to result from underpayment.

An investigation in Portland, Oregon, showed that nearly three-fifths of the women employed in various industries receive less than the minimum weekly wage which has been found the least wage on which the average working girl can decently support herself.

Report of the Social Survey Committee of the Consumers' League of Oregon. CAROLINE J. GLEASON, *Director, Portland, Oregon, 1913.*

The wages paid to women workers in most occupations are miserably inadequate to meet the cost of living at the lowest standards consistent with the maintenance of the health and morals of the workers. Nearly three-fifths of the women employed in industries in Portland receive less than $10 a week, which is the minimum weekly wage that ought to be offered to any self-supporting woman wage earner in this city. (Page 6.)

Many girls take a roommate and thus reduce their cost of living at the same time that they reduce their opportunity of recuperation. Sometimes they room three together, the better to economize. An example of this is that of three girls living with a woman in a small, crowded flat. The three girls room together in an inside court room and each pays $30 per month for the room, breakfast and dinner. (Page 58.)

A frequent plan of living is that of a housekeeping system, where the rooms are made to differ from ordinary sleeping rooms by the addition of an oilcloth-covered table, a few cheap cups, saucers and plates, linen, hardware, a gas plate, and once in a while some silver. Sometimes the renter is required to furnish both her silver and hardware. The opportunity to cook her own meals and wash her own dishes may help to keep the domestic feeling alive in the struggling worker, but it does not help her to keep alive the physical strength and moral courage needed for persistency in this same struggle. (Page 60.)

RECREATION AND VACATION.

Maximum average amounts spent for these items amount to $36.62; the minimum amount recorded is $12.50. Of the four specified trades, the three groups of women adrift spend more for recreation and vacation than do the women living at home. This would tend to show that the girl at home can get decent amusement cheaper or else has friends to rely on for her good times. There is not the same temptation for the girl at home to seek fun outside as there is for the girl adrift, whose lonesomeness in her one room drives her innocently to seek diversion that eventually ends disastrously for her.

TABLE 35.

Average Sum Spent Annually for Recreation and Vacation by 509 Wage-Earning Women in Portland, classified by occupation and as to living "at home" or "adrift."

No.	Occupation.	Average Annual Expense—At Home.	Adrift.
36	Laundry	$ 18.25	$ 12.50
100	Factory	12.91	16.60
116	Department Store	21.48	36.62
88	Office	20.14	35.78
169	Miscellaneous	22.02	20.83

EDUCATION AND READING.

Sums spent for this purpose indicate that mental recreation or training of any kind is almost entirely lacking among the wage-earning women. Several reasons may be given for this.

One is that the great majority of them have to leave school before their education is half completed. A second reason is that when they reach home at night they are too tired to read or study music. A third is that they haven't the money to use this way if they wished to. (Pages 66-67.)

The Standard of Living Among Workingmen's Families. ROBERT COIT CHAPIN, *Professor of Economics and Finance, Beloit College, Wisconsin. Russell Sage Foundation Publication. New York, 1909.*

If the family is able to make both ends meet out of its income, it seems a fair inference that it is able to maintain such standard of living as is represented by its expenditures. Still more probable is this if the family has a surplus of income over expenditures. This is not to say that the standard maintained is normal or adequate, however. It may be so low that in the course of a few years, if not sooner, the physique and morale of the family must deteriorate, or the effects may be apparent only in the gradual deterioration of a whole group of the population in the course of one or two generations. This deterioration may be going on at the same time that individual families are living as best they can within their incomes. (Page 229.)

The under-fed, under-clothed, and over-crowded families, as has already been shown, make a better showing in keeping expenditures within income than do the families as a whole. This indicates that on the lower incomes, where most of these cases with sub-normal standard are found, an even balance or a surplus can be attained only by curtailing expenditures for necessaries below the point of meeting the requirements of healthy existence. (Page 232.)

Taking the figures for what they are worth, nearly half of the cases of borrowing reported (20 out of 42) are in the $600 income group; one-quarter are in the $700 group. The pawning reported is likewise nearly half of it in the $600 groups. This corroborates the suggestion already made, that the task of making both ends meet is too severe to be successfully accomplished in ordinary circumstances, on all incomes under $800, without a lowering of the standard of living below the normal demands of health, working efficiency, and social decency. (Page 234.)

In regard to the second point, that the maintenance of the standard depends more upon the wise use of the family income than upon the mere amount received, the schedules returned in

this investigation afford much evidence in its support. But they also furnish evidence that there are limits to what can be done by thrift and economy. . . . A family cannot be brought up in health and strength for work on bread and tea, even if these can be supplied for a dollar a week. Coal will burn up, coats and shoes will wear out, notwithstanding all that mending can do. Further, to bring expenditures down to exact requirements of an ideal economy, even supposing that all that is claimed could thereby be saved, is not within the ability of the ordinary wage earner's wife. She cannot spend hours in bargain-hunting, in experimenting with new food-combinations, in making and mending garments. She has not, and cannot be expected to have, the training and ability to do all these things, even if she had the time. She has to take the methods of housekeeping that are traditional in her environment and apply them as skillfully and intelligently as her native and acquired powers of mind and body permit. What the exceptional woman might do cannot be made the measure of what the average woman may be expected to do, and if the morale and efficiency of the population are to be kept up, provision must be made for what the woman of average capacity must have to keep her family up to the prevailing standard. Only when education in a better economy is widely diffused, will it be possible to maintain the existing standards of physique and character on a lower absolute income.

In summary, therefore, the results of our investigation indicate that, while the personal factor does operate in the case of every family, both as regards the habits of the father and the managing ability of the mother, the limits within which it may affect the actual sum total of material comforts that make up the living of the family are set by social forces. These social forces find expression, on the one side, in the income which the family receives—that is, in the rate of wages received by the father and others who are at work; on the other side, they are expressed in the prices that have to be paid to get housing, food, and the other means of subsistence. The actual standard that prevails is set primarily, therefore, by the wages paid and the prices charged. (Pages 248-249)

Homestead: The Household of a Mill Town. MARGARET F. BYINGTON. *Pittsburg Survey. Russell Sage Foundation Publication. New York, 1910.*

But while thus recognizing that racial standards modify rental expenditures, an economic analysis of these same budgets shows

that the determining factor is wages. The two races spending the smallest per cent. for rent are those with the lowest incomes. They give too small a margin for the family to consider how desirable a better home would be. (Page 51.)

Rent in the 77 Homestead tenant families rises steadily from the average of $2.15 per week paid by the laborer who works for $1.65 per day to the $4.72 per week paid on an average by the skilled steelworker. How far overcrowding decreases in proportion to the extra expenditure can be summed up briefly. Of the 48 families in the group spending under $15 (including the house owners), 26, or over one-half, were living with two or more persons to the room; of the 42 families spending more than $15, only 14, or one-third, had two or more persons to the room; and of the 19 families spending over $20, only five, or one-fourth. Of the 21 budget families who lived in two rooms, over half has less than $12 per week to spend; of the five who lived in one room, none had over that sum. These figures do not sustain the oft-repeated declaration that people would not live better if they could. With the lowest paid workers spending a larger per cent. of their weekly fund for rent than the better-to-do, and with overcrowding nearly absent in the better paid groups, we have tangible indications that overcrowding is ordinarily a result of financial necessity, rather than of either hoarding or spendthrift habits. (Pages 52-53.)

The Living Wage of Women Workers. A Study of Incomes and Expenditures of 450 Women Workers in the City of Boston. LOUISE M. BOSWORTH. *Fellow, Women's Educational and Industrial Union. Longmans, Green & Co., New York, 1911.*

Roommates are another form of economy in rent. And hall bedrooms, unheated rooms, rooms without light, all come cheap, and reduce the ratio of rent to income. If a fair priced room is divided among two or more occupants, the cost to the individual immediately drops to an amount that would come far short of paying for adequate living conditions by itself. But this is at a cost of privacy and independence which make it doubtful whether a large room shared in this way is any more adequate than a small unheated room held in sole possession. . . . Factory girls report 17 out of 57 living in single rooms, 25 sharing with one, 15 with two. . . .

A living wage can perhaps purchase nothing which is of greater value than the luxury—which should really be considered a necessity—of a room to one's self. . . . (Page 52.)

. . . Here, then, may be found the fundamental basis for the lack of certain social proprieties and even moralities on the part of our working girls. With cold rooms, with no opportunities to receive guests, and without the privacy even of a single room, fully 35 per cent. of our working girls, if these proportions may be considered typical, are in danger of overstepping social and moral law. (Page 57.)

There is a widespread notion that the working girl spends her money largely on clothes. . . .

The results of this invesitgation certainly do not support the common opinion regarding the working girl's extravagance in the matter of dress. On the contrary, it appears that, as a rule, in the long year-in-year-out run, with the individual and with the group, only so much of the weekly earnigns as is left after almost everything else is bought goes for really necessary clothing. . . . It is true that, with an increase in earnings, money which might possibly be saved may often be spent on extending the wardrobe—"improving the standard of dress." (Pages 65-66.)

In general, the management of the clothing problem is, for the low-paid woman, a severe tax on her physical or financial resource. Either she must spend much ill-spared energy in hunting marked-down goods that will serve her purpose and in making them up, or she must resort to the extravagant method of buying on the installment plan or the equally extravagant course of buying very cheap clothes which do not last. Of course, the woman who is exceptionally clever in remodeling old clothes and making them last, and the woman who is in a position that affords unusual opportunities of buying goods at a reduction, find this problem less troublesome. But the average working girl on low wages is hard pressed to keep up appearances. (Page 71.)

Expenditure for recreation covers a wide range—theaters and picture shows, excursions and outings, books and magazines, clubs and societies, and innumerable forms of amusement and indulgence . . . . The opportunities are there but the strength to grasp them is not. Long hours and low wages do not supply the surplus vitality demanded for the proper enjoyment of these evening privileges. If the wages were sufficient to provide nourishing food and generally comfortable living conditions, and if the working day were short enough to allow more time for recuperation the working girl might make good use of these chances for intellectual, physical and social development. (Page 85.)

Report on Condition of Woman and Chill Wage Earners in the United States. Vol. V. Wage-Earning Women in Stores and Factories. Senate Document No. 645, 61st Congress, 2nd Session, 1911.

The younger women are still eager to enjoy anything that comes their way and keen to gather in all the excitement that they can. With their financial resources, however, the amount which they can spend for amusement is very limited, as the margin left after paying for food, shelter, heat, light, and laundry must furnish clothes before it can be drawn on for amusement or recreation. (Page 71.)

If the average weekly earnings and cost of living for both store and factory women in the seven cities, as shown in this investigation, be combined, the results show the weekly average earnings to be $6.67, and the average weekly cost of shelter, food, heat, light, and laundry as $3.80. Inasmuch as the earnings shown by the investigation conducted by the Women's Educational and Industrial Union were computed in the same way as the earnings of the women covered by this investigation and the discrepancy between the two results is but 46 cents for all the cities and only 39 cents in Boston, it is apparent that the two groups of women are fairly comparable. Making use, therefore, of the earnings and cost of living as shown by the results of this investigation (representing the larger and therein more reliable body of information) and the figures for the expenditure for clothes shown by the Women's Educational and Industrial Union, the results may be summarized in the following statement:

Weekly earnings		$6.67
Weekly cost of shelter, food, heat, light and laundry	$3.80	
Weekly cost of clothes	1.38	
		5.18
Margin left for carfare, contributions to dependent relatives, emergencies, and amusements (Page 74.)		1.49

Deducting, then, from the average earnings of all women, exclusive of waitresses, the cost of living and cost of clothes, there is left a margin of $1.49. Out of this comes carfares, often 60 cents a week; contributions to relatives, which average 44 cents; doctor bills, and all incidental expenses. When it comes to amusements, most of the women have nothing left to spend. Of the 1,568 women who reported on this question 62 per cent. said that they spent no money for pleasure—that it took all their earnings

to meet their daily expenses. Thirty-eight per cent. reported that they spent something, but only 450, or 22.3 per cent., gave a definite weekly amount. These sums varied from 5 cents to $2, but the average for the 450 was 37 cents. (Pages 73-74.)

Report on Condition of Woman and Child Wage Earners in the United States. Vol. 16. Family Budgets of Typical Cotton-Mill Workers. Senate Document No. 645, 61st Congress, 2nd Session, 1911.

The prevailing standard of living among the majority of the cotton-mill workers of the South is not high. From the facts presented in the foregoing pages, it is plain that low wages are the chief factor in determining the prevailing standards of living. Even in those cases where the incomes are fairly high the fact that they fluctuate from week to week is not conducive to the adoption of a standard as high as might be indicated by the total income. (Page 36.)

American Economic Review, American Economic Association, Cambridge, Mass., 1912. The Legal Minimum Wage in the United States, by ARTHUR H. HOLCOMBE.

The most recent and probably the most satisfactory attempt to determine the cost of maintaining the normal American standard of living is that of Mr. Frank H. Streightoff. He places the minimum family income adequate to the maintenance of normal living conditions in the smaller cities of the North according to the generally prevailing American notions of decent living at $650 a year. Dr. Chapin places the figure at $800 or over in New York, but in order to avoid appearance of exaggerations, let us take the figure of $600. The most recent and probably the best evidence concerning the number of households receiving less than this minimum family income is contained in the reports of the Immigration Commission. In the official abstract of the report on immigrants in manufacturing and mining the public is informed that the average annual family income in sixteen leading industries in which a large number of typical households, representing all nationalities, native and foreign, were intensively studied, is $721. The report does not indicate what percentage of this number of households receive an annual income of less than $600; but it is stated that no less than 31.3 per cent. receive less than $500 a year and 7.6 per cent. receive less than $300. The annual earnings of male heads of families alone are lower. More than half earn less than $500 a

year and nearly two-thirds earn less than $600 a year. If we examine the official abstract of the report on immigrants in cities we find even more depressing conditions. Of 5,825 families dwelling in the typical congested blocks in New York, Chicago, Philadelphia, Boston, Cleveland, Buffalo and Milwaukee, the male heads earned on an average only $475. No less than 72.2 per cent. of the whole number earned less than $600 a year, and 41.2 per cent. earned less than $400. The average annual earnings of the 3,609 females in the households studied and reported in the abstract on immigrants in manufacturing and mining were $304. No less than 26.4 per cent. of them earned less than $200 a year. The average annual earnings of the 2,590 females 18 years of age or over working for wages and reported in the abstract on immigrants in cities were $239. No less than 67.9 per cent. of these earned under $300 a year and 44.8 per cent. earned under $200 a year. With these latest official figures in mind concerning the extent and intensity of under-payment, we are prepared to accept Mr. Streightoff's estimate that at least five million adult males receive less than $600 a year for their labor. . . . Mr. Streightoff writes in no controversal spirit but he does not conceal his belief that the current wage for unskilled labor is too low to meet the requirements of a decent standard. He finds abundant evidence of families deteriorating physically because of insufficient income, and even where the wage suffices for food, clothing and shelter, little or nothing remains to meet the wants of intellectual and spiritual life. In the light of these and other recent investigations into the standard of living among the industrial population of the United States, the fact that a very considerable number of working people are now employed in the United States at less than an American standard of living wage may be regarded as sufficiently established. (Pages 31 to 33.)

Women in the Bookbinding Trade. MARY VAN KLEECK. *Russell Sage Foundation Publication. New York, 1913.*

Of all the complex factors to be considered in describing a trade, the most vital is the relation of the wage scale to the maintenance of wholesome living conditions among the workers. To discuss women's wages merely as a phase of trade problems, unrelated to the life of the worker outside the workroom, is to miss the real significance of the conditions of their work. (Page 72.)

Surprising, indeed, is the complacency with which many persons regard the low wages of working women. They believe that the problem concerns only the welfare of the individual girl, and that

if she can live at home, merely supplementing the family income, her scanty earnings need cause no concern. Such easy-going thinking ignores the fact that the low standard of remuneration of the large proportion of the community's workers which women now represent must inevitably lower the industrial standards of the whole community. Nor does it occur to them that the low wages of women are a prime cause of poverty, preventing wholesome and decent living in thousands of families which depend wholly or in part upon women's earnings. (Page 86.)

Poverty—A Study of Town Life. B. S. ROWNTREE. *Macmillan & Co. London, 1901.*

Particulars were obtained regarding 11,560 families. (Page 26.)

Low wages mean insufficient food, insufficient food unfitness for labor, so that the vicious circle is complete. The children of such parents have to share their privations, and even if healthy when born, the lack of sufficient food soon tells upon them. Thus they often grow up weak and diseased, and so tend to perpetuate the race of the "unfit." (Page 46.)

These unseen consequences of poverty have, however, to be reckoned with—the high death-rate among the poor, the terribly high infant mortality, the stunted stature and dulled intelligence —all these and others are not seen unless we look beneath the surface; and yet all are having their effect upon the poor, and consequently upon the whole country. (Pages 135-136.)

The Labor Movement in Australia—A Study of Social Democracy, by VICTOR S. CLARK, Ph. D. *Archibald Constable & Co. London, 1907.*

This authority of fixing wages was granted in order to remedy a special evil—a wage so low that it threatened the common interest of society in maintaining a standard of living among all classes sufficient for healthy social progress. (Page 141.)

The Prevention of Destitution. SIDNEY *and* BEATRICE WEBB. *Longmans, Green & Co. London, 1911.*

"When the price of labor sinks below a certain point, the worker infallibly falls into that condition which the French emphatically call la misere—a word for which I do not think there is any exact English equivalent. It is a condition in which food, warmth and clothing, which are necessary for the mere maintenance of the functions of the body in their normal state, cannot be obtained; in which men, women and children are forced to crowd into dens where decency is abolished, and the most ordinary conditions of healthful existence are impossible of attainment; in which the pleasures within reach are reduced to brutality and drunkenness; in which the pains accumulate at compound interest in the shape of starvation, disease, stunted development and moral degradation; in which the prospect of even steady and honest industry is a life of unsuccessful battling with hunger, rounded by a pauper's grave." (Page 12.)

No sweated worker, for instance, can afford to buy fresh milk for her child, still less to pay for medical treatment either for herself or any member of the family, whilst the tenement of the low-paid operative is chronically overcrowded, frequently to the point of insanitary and indecent occupation below any civilized standard. (Page 89.)

There is one black accompaniment of destitution—an accompaniment which has incalculable evil effects on home life, and yet which is an inevitable corollary of insufficient earnings in a crowded city—the indecent occupation of the overcrowded, insanitary tenement. The herding together, by day and by night, of men and women, of young and old, of boys and girls, of all degrees of relationship or no relationship, not only destroys health, but makes, to the ordinary human being, the particular virtue upon which the integrity of the family depends, wholly impracticable. Can anyone who has lived in a slum, and has observed the day by day and night by night circumstances of a one-roomed tenement, lay the flattering unction to his soul that if he and his family had been subject, from infancy upwards to this inevitable corollary of urban destitution, they would have maintained any decent standard of family life? Any person who, like the present writers, has lived the life of the London streets or dwelt among the denizens of the slums in a capacity that compelled a personal acquaintance with the inside of every tenement, or worked for wages in the "sweat-shops" or "sweating dens," cannot fail to have had brought home to him the existence of a stratum of society, of no inconsiderable magnitude, in which children part with their innocence long before puberty, in which personal chastity is virtually unknown, and in which "to have a baby by your father" is laughed at as a comic mishap. We have here perhaps the biggest "moral failure" of all—and, as responsible citizens of a nation which knowingly and deliberately permits such a state of things to continue, this moral failure is our own. (Pages 306-307.)

(2) BAD EFFECT ON MORALS.

Authorities agree in the opinion that while the underpayment of women and the consequent struggle to live may not be the primary cause for entering upon an immoral life, it is inevitably an important factor. When wages are too low to supply nourishment and other human needs, temptation is more readily yielded to.

Women and the Trades. ELIZABETH BEARDSLEY BUTLER. *The Pittsburgh Survey. Russell Sage Foundation Publication. New York, 1909.*

The pressure of low wages combined with the opportunities of a department store result in a social problem that cannot be ignored. Some employers are generally reputed among salesgirls to assume that their women employees secure financial backing from outside relationships, and knowingly pay wages that are supplementary rather than wages large enough to cover the cost of a girl's support. Questions asked of girls seeking employment cannot be otherwise interpreted. In other cases, probably in the majority, the rate of wages is fixed not by any reckoning on the part of the employer with unsocial conduct, but by the tradition of the occupation. It is assumed that shop girls are only partly self-supporting and need only work for pin-money. (Page 306.)

Yet the fact remains that, for the vast bulk of salesgirls, the wages paid are not sufficient for self-support; and where girls do not have families to fall back on, some go under-nourished, some sell themselves. And the store-employment which offers them this two-horned dilemma is replete with opportunities which in gradual, easy, attractive ways beckon to the second choice; a situation which a few employers not only seem to tolerate, but to encourage. (Page 307.)

Were women totally without means of supplementing their pay envelopes, wages would of necessity be forced above a subsistence level in order to keep a sufficient labor supply in the local market. Otherwise the women would have to move away or slowly starve. That wages are not so forced up indicates the widespread, though sometimes unconscious, reliance of merchants and manufacturers on the ability of women employees to find a source of support in their families or friends. The family may at times cease to give assistance; but the latter avenue for money-making is never closed. It is a way of escape, both to the solitary working woman who earns less than it costs her to live and to

the woman who is leading a barren existence on wages that just meet expenses.

Few will hesitate to condemn the degradation that attends the woman who chooses unsocial means of self-support. Yet one form of subsidizing a wage-worker leads to another form of subsidizing, and so long as custom or fact renders the payment of a full living wage non-essential, economic needs impel many a girl toward a personally degrading life. (Pages 348-9.)

The Social Evil in Chicago. A Study of Existing Conditions With Recommendations by the Vice Commission of Chicago. Gunthorp-Warren Printing Company, Chicago, 1911.

The Economic Side of the Question. The life of an unprotected girl who tries to make a living in a great city is full of torturing temptations. First, she faces the problem of living on an inadequate wage: Six dollars a week is the average in mercantile establishments. . . .

The girl who has no home soon learns of "city poverty" all the more cruel to her because of the artificial contrasts. She quickly learns of the possibilities about her, of the joys of comfort, good food, entertainment, attractive clothes. Poverty becomes a menace and a snare. One who has not beheld the struggle or come in personal contact with the tempted soul of the underpaid girl can never realize what the poverty of the city means to her. One who has never seen her bravely fighting against such fearful odds will never understand. A day's sickness or a week out of work are tragedies in her life. They mean trips to the pawn broker's, meagre dinners, a weakened will, often a plunge into the abyss from which she so often never escapes.

Hundreds, if not thousands, of girls from country towns, and those born in the city but who have been thrown on their own resources, are compelled to live in cheap boarding or rooming houses on the average wage of six dollars. How do they exist on this sum? It is impossible to figure it out on a mathematical basis. If the wage were eight dollars per week, and the girl paid two and a half dollars for her room, one dollar for laundry, and sixty cents for car fare, she would have less than fifty cents left at the end of the week. That is provided she ate ten-cent breakfasts, fifteen cent luncheons and twenty-five cent dinners. But there is no doubt that many girls do live on even six dollars and do it honestly, but we can affirm that they do not have nourishing food, or comfortable shelter, or warm clothes, or any amusement, except perhaps free public dances, without outside help, either

from charity in the shape of girls' clubs, or friends in the country home. How can she possibly exist, to say nothing of live?

Is it any wonder that a tempted girl who receives only six dollars per week working with her hands sells her body for twenty-five dollars per week when she learns there is a demand for it and men are willing to pay the price? On the one hand her employer demands honesty, faithfulness and a "clean and neat appearance," and for all this he contributes from his profits an average of six dollars for every week. . . . In the sad life of prostitution, on the other hand, we find that the employer demanding the surrender of her virtue pays her an average of twenty-five dollars per week. Which employer wins the half-starved child to his side in this unequal battle? It would be unjust, however, to cast any reflection upon those girls who are brave and pure, by intimating that because they earn so small a wage they must necessarily be in the same class with those other girls who, unable to survive longer the heroic battle against poverty and self-sacrifice, have succumbed and gone down.

Prostitution demands youth for its perpetuation. On the public rests the mighty responsibility of seeing to it that the demand is not supplied through the breaking down of the early education of the young girl or her exploitation in the business world. What show has she in the competitive system which exists today? Whatever her chances may be, to stand or to fall, she is here in hordes in the business world as our problem. Let us do something to give her at least a living wage. If she is not sufficiently skilled to earn it let us mix some religious justice with our business and do something to increase her efficiency which she has never been able to develop through no fault of her own.

Are flesh and blood so cheap, mental qualifications so common and honesty of so little value that the manager of one of our big department stores feels justified in paying a high school girl, who has served nearly one year as an inspector of sales, the beggarly wage of $4 per week? What is the natural result of such an industrial condition? Dishonesty and immorality, not from choice, but necessity—in order to live. . . . (Pages 42-44.)

. . . After an exhaustive study of the whole field the Commission feels that among the causes which influence girls and women to enter upon a life of semi-professional and professional prostitution are the following: First, lack of ethical teaching and religious instruction; second, the economic stress of industrial life on unskilled workers, with the enfeebling influences on the will power; third, the large number of seasonal trades in which women are especially engaged. (Page 45.)

Report on Condition of Woman and Child Wage Earners in the United States. Vol. V. Wage-Earning Women in Stores and Factories. Senate Document No. 645, 61st Congress, 2nd Session, 1911.

The story of the superintendent of employees who says to the girl protesting against the small wage, "But haven't you a man friend to help support you?" is current in every city. Its very prevalence is the best proof that there is some reason for it. Department store officials quite generally and quite openly express a preference for girls living at home. A number of them said to the agents engaged in the investigation, with perfect frankness, that the wage offered did not permit the girl to live elsewhere. Three men said to the investigators that the wage did not permit a girl to live honestly elsewhere. Do these admissions reveal a motive for employing girls who supplement their wage immorally? In short, is the effort to get girls who can work for less than a living wage causing the majority of managers either to make a bid for girls who have learned "to make easy money," or to suggest the method to innocent girl applicants? (Page 30.)

How much the wage of the rank and file has to do with the moral plane and to what extent it is peculiar to the department store are exceedingly difficult questions to answer. In nearly all the cases which have come to notice during the investigation the first fall of the girl was either through her affection or her desire for a good time, while her continuance in the way of evil was beyond a reasonable doubt due to the large amount of money made available thereby.

The average wage, determining so largely the measure of living comforts within the reach of the girl, has a direct bearing upon her moral welfare, particularly upon the moral welfare of the woman adrift. (Page 35.)

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The attitude of many department store employers in itself would indicate that the partially supported girl is the sole agent determining the wage level for herself as well as for her self-supporting sister. Some of the employers advertise for saleswomen, "preferably those living at home." Others have gone so far as to state to applicants that without other sources of income, unless they live at home, girls cannot live honestly on the wages stores are accustomed to pay. (Page 22.)

The mental and moral development of a girl is also immediately affected by the certainty or uncertainty which attaches to the material provision for her future. The opportunity for this provision, if she does not marry, depends upon the possibility of increasing her earnings, her promotion in rank, and her tenure in office. (Page 36.)

In private families the girl may or may not mingle in the social life of the family, but the chances are that she does, especially in the poorer homes. Here the close quarters often destroy all privacy, and the lodger or boarder becomes practically a member of the family. She uses all the rooms in common with the family, almost always sharing a room with some member of the family and, in some extreme cases, occupies a room with the landlady and her husband. If there are men lodgers in the house the entrance to their room is sometimes through the girl's room or vice versa. In one house visited the woman received the agent about 9 P. M. in the room of a man lodger, who had already gone to bed. This seemed to be the only available sitting room and disconcerted no one save the agent. While such conditions through custom and long usage lose the startling effect which they would have on one unused to them, they cannot help but blunt a girl's sense of proper relations with the other sex and foster standards which are not acceptable in this country. (Page 62.)

The boarding and lodging group is next in size to the private family group. Five hundred and forty-two, or 33.7 per cent., of all the women are living this way. (Page 62.)

Fifty-five per cent of the boarding and lodging women had no house sitting room and no place other than their rooms in which to receive friends. It is a rare thing for a landlady to object to a girl entertaining her gentlemen friends in her bedroom, provided they do not stay too late and are quiet and orderly, and by that she means that they do not make such a noise as to disturb the whole house. Frequently, too, the girls visit the men lodgers of the house in their rooms, and the men return the calls. The only alternative to entertaining callers in their bedrooms is to meet them on the street. For these girls and women who live in boarding and lodging houses it has become so much a matter of course to receive men in their rooms that neither they nor their friends think anything of it. It is the custom. If a woman has no other home than her room, she feels that in that room she must entertain her friends.

But even if the absence of a sitting room is not keenly felt, it is none the less an evil. Unfortunately the "gentlemen friends" are not always deserving of the name, the girls are often weak

and easily led astray, and the free and easy intercourse which is nobody's business may end most disastrously. (Pages 66-67.)

Report on Condition of Woman and Child Wage Earners in the United States. Vol. XV. Relation Between Occupation and Criminality of Women. Senate Document No. 645, 61st Congress, 2nd Session, 1911.

Do low wages, then, play no part at all in this matter of moral evil? The consensus of opinion was that as a direct and immediate cause of going wrong they were almost a negligible factor, but that indirectly their influence was marked and disastrous. In the whole inquiry only one case was found in which the workers dealing with the girl felt that she had been driven into wrong because she could not live upon the wages she could earn. Four other cases were found in which the fall was directly attributable to poverty, but in these cases the difficulty was due not to low wages, but to no wages, at all.

It must be observed that this relates only to the initial wrong step, not to becoming a habitual wrongdoer after the first error has been made. It was generally agreed that while it is the rarest of things for a girl to enter upon an immoral life directly through want, yet when she has once gone wrong through thoughtlessness or affection or from any other cause, then low wages or irregular or insufficient wages are strongly effective in deciding her to adopt a life of promiscuous immorality, or in impelling her to drift into such a life without any definite decision.

When the question was shifted to the indirect effect of low wages and poverty the answer was very different. The girls were living at home in so many cases that the discussion necessarily dealt rather with the family income than with the girl's own immediate wages. Poverty, whether it be the result of a low family income, or of insufficient wages for a girl living by herself, touches the question of immorality in many ways. It decides the girl's companionships, her amusements, her ability to gratify without danger her natural and reasonable tastes, her very capacity for resistance to temptation. Its physical effects open the way to moral dangers. It means overcrowding and bad sanitary conditions, and under-nutrition or mal-nutrition, and insufficient or unsuitable clothing. A social worker with eight years' experience in one of the leading factory centers thus summarized the situation.

"Between the crowding and bad air, both at home and at their work, and the kind of food they eat, and the long hours and monotony of their employment, they are constantly in an abnormal

state. They are feverish and uncomfortable; they want something, but they don't know what it is. They crave, with an intensity we can hardly realize, something to make them forget their discomfort, to divert their minds from the weariness of their lives. That is why they flock to these cheap amusement places, which are the only ones they can afford. There they find temptation on every hand, but they are in poor condition to resist it. The great wonder to me is that so few yield. It's not only the girl's wages which must be taken into consideration; it's the family income and the whole way of working and living. Part of it could be improved if the girls knew more about housekeeping and cooking, but much of it couldn't be unless the family income were considerably increased. When the girls are not living at home, conditions are apt to be even worse, for life on their wages means unceasing struggle and privation. Practically, though, all the girls here live at home with their relatives."

This estimate applies with local variations to every place visited. There was practical agreement that low wages do not drive girls wrong through want, but that indirectly they have considerable effect. (Pages 93-94.)

The downward way is easy to enter, and financially its returns are good. There she can find, for a time at least, ease, luxuries, and excitement; if she has a child, she can support it much more easily thus than by the work she can find elsewhere. Economic pressure may not have led to her downfall, but it is a strong factor in keeping her in the wrong path when once it has been entered. (Page 110.)

Report of Massachusetts Commission on Minimum Wage Boards. 1912.

It is remarkable that more saleswomen do not turn to vice. It is impossible to say how many do. No estimate whatever can be made of the extent to which the workers are subsidized because of illicit relations with one or two men. Only a few of the women had the appearance of prostitutes. Women who were making a brave fight against tremendous odds were many times more often in evidence. (Page 90.)

Report on the Wage-Earning Women of Kansas City. Board of Public Welfare of Bureau of Labor Statistics. Kansas City, 1913.

It would be unjust and incorrect to say that as a class those girls who are not receiving living wages are immoral. But it is clear that girls who receive insufficient wages to pay for the

bare necessities of life, especially those living in boarding and lodging houses, are subjected to too great temptation, and that one should occasionally fall in consequence of this inability to secure not only the necessities of life, but also nice clothes and amusements desired by every normal girl, is not a far-fetched theory.

An investigation by the Board of Public Welfare of 300 inmates of houses of ill fame in Kansas City showed that 154, or 51 per cent., received $6 a week or less when engaged in honorable pursuits, while only 10 per cent received as much as $10 a week. Although 154 inmates in Kansas City's houses of ill fame received $6 a week or less prior to their downfall, the low wage received prior to their downfall cannot be taken as the sole cause. Poor home environment, unwholesome amusements, ignorance, etc., are all contributing factors to the vice problems and a girl's downfall may be due to a combination of these causes. However, the fact that there are a large number of girls in boarding and lodging houses who do not receive sufficient wages to cover their barest needs is evidence itself that there is an economic pressure that is likely, and no doubt does occasionally, influence the morality of many. Seventy of the 300 inmates of houses of ill fame in Kansas City stated the cause of their downfall was low wages. (Pages 80-81.)

Women's Work and Wages. A Phase of Life in an Industrial City. EDWARD CADBURY, M. CECILE MATHESON *and* GEORGE SHANN. *T. Fisher Unwin. London, 1906.*

To all who have gone in and out among them it must be a matter of continual marvel that so many of them are so good. There is a heroism rarely seen or recognized in the lives of these thousands who "keep respectable." For the rest, "There is one ghastly investigation still waiting on the economist." It is the aid to wages which is got from "the oldest trade in the world." That this is an economic element in the wage question is beyond all doubt. All of us know it. None of us has yet had the courage to measure it. Not till we do so will the world know the true cost of "cheap labor." (Pages 189-190.)

The Economic Review, Vol. 18, London, 1908. The Remuneration of Women's Work. HAMILTON W. FYFE.

They work very long hours and live under conditions which are physically, mentally and morally unhealthy. This is an evil which affects women even more than men, both in health and character,

since women are by economic pressure and even by personal persuasion continually brought under the temptation of supplementing their income by the sacrifice of their virtue. It is high time we recognized that immorality is largely an economic product. (Pages 136-137.)

The Church and Citizenship. R. LATTER. *A. R. Mowbray & Co. London, 1913.*

But who will dare to say that none of these, whose lives are ruined, are in this plight because we refuse to consider it is in any way incumbent on us to try to get a living wage paid to every worker? If the temptation caused by hunger and by overcrowded dwellings were removed there would surely be fewer in need of our rescue work. (Pages 40-41.)

The Living Wage. PHILIP SNOWDEN, M. P. *Hodder & Stoughton. London, 1913.*

Low wages are largely responsible for the material waste, for the physical loss and the industrial inefficiency described in this chapter; but the most serious of all the loss which is inflicted upon the community by low wages is that it destroys the intellects of the very poor and numbs their moral aspirations. Poverty is an opiate which produces a feeling of contentment with or resignation to conditions which ought to excite a righteous discontent. The heaviest price which is paid by the community for low wages is the loss of a rational ambition for better conditions. (Page 55.)

C. ECONOMIC ASPECT.

(1) NO PRESENT STANDARDS FOR WOMEN'S WAGES.

Investigation has proved that the wages of women are fixed at present only by supply and demand. Earnings for the same work in a given industry vary from establishment to establishment. The wage is fixed neither by the value of service rendered nor by what the industry can afford. By establishing a minimum legal wage the state protects women from the exploitation which has been found existing in many occupations.

Report of the Social Survey Committee of the Consumers' League of Oregon. CAROLINE J. GLEASON, *Portland, Oregon, 1913.*

Owing to the lack of organization among women workers and the secrecy with which their wage schedules are guarded, there are

absolutely no standards of wages among them. Their wages are determined for the most part by the will of the employer without reference to efficiency or length of service on the part of the worker. This condition is radically unjust. (Page 6.)

During the investigation, several phases of the female labor problem have been brought out constantly. One of these is in regard to the efficiency of the workers. One fact that was clearly demonstrated is that efficiency is certainly not the standard according to which the majority of workers are paid. This was evidenced (1) by the dismissal of highly paid, experienced employees and the employment of young, inexperienced substitutes; (2) by the reduction of rates on piecework when employees had reached a certain earning capacity; (3) by the fact brought out again and again, that though employees were retained for years of service, though their efficiency increased with time, they found it an impossibility to keep their position and bring their wages above a certain low figure. (Pages 23-24.)

RETAIL STORES.

One of the greatest complaints to be found with the large department store management is that as far as anyone can find out, they have no system of advancement of employees. Amount of sales, increase or decrease, is watched, to be sure, but apparently only to dismiss the employee if he or she does not come up to a certain standard. When the regulation of wages is left to the head of each department, the demand that the returns from the department be kept at a certain figure is likely to result (for men and women alike) in the dismissal of competent, high-paid clerks, or reduction of their wages. The basis of advance seems to be personal aggressiveness, and this is testified to over and over again by the girls.

A rule existing, written or unwritten, in all the larger stores, is that the girls must not tell others what wage they are getting. Divulging this information has resulted in instant dismissal. One firm goes so far as to require a signed promise from the girl that she will not tell any other employee her wage. (Page 26.)

Women in Industry. EDITH ABBOTT, Ph. D. *Assistant Director Chicago School of Civics and Philanthropy. Appleton, New York, 1910.*

Today there is a group wage in so far as various classes are paid "supplementary wages," but these are determined not by the bargaining power of the man, but often by the helplessness of

the woman and of the minor children who have become the apparent collectors of their own wages. (Page IX.)

From this helplessness which characterizes women workers in bargaining spring many difficult problems. There is the question of their inability to secure right conditions under which to do their work, to limit the amount and duration of their work, so as to maintain their own health and that of their children. From this weakness arises the necessity on the part of the community of assuming control over the wage contract so as to protect women wage earners from undue exploitation and to safeguard its own future. (Page X.)

(From the introductory note by Sophonista P. Breckinridge, Assistant Professor in the University of Chicago.)

Report on Condition of Woman and Child Wage Earners in the United States. Vol. II. Men's Ready-Made Clothing. Senate Document No. 645, 61st Congress, 2nd Session, 1911. Government Printing Office, Washington, 1911.

In a study of earnings by occupations in the manufacture of clothing it is well to call attention to one feature—the absence of what might be called a standard wage in the industry. This is true of both men and women, and of both piece and time workers. Examining the weekly rates in the same occupation, the workers in a given employment are found distributed according to their earnings over a wide range in the wage scale. Examining the earnings of piece workers, their earnings are found to be similarly differentiated. Wages where paid by the week are fixed in the trade either according to the efficiency or capacity for bargaining of the worker, or by an arbitrary determination, and not according to a particular time rate. Piece rates similarly allow for very considerable variation in earnings.

A few illustrations may be given of the earnings of women. There are available data for 32 female edge basters 21 years and over working by the week in coat shops; their average computed earnings for a full week are $9.17. Of these the largest number, 11, earn $9 to $10, 5 earn $7 to $8, 5 others $7 to $9, and 4 earn $11 to $12. The earnings of those 18 to 20 years of age are similarly distributed over a range of $4.

Thirty-five female buttonhole makers at 18 to 20 years of age, working by the piece, average in a full week $10.34. Seven earn between $7 and $8, 5 between $8 and $9, 6 between $9 and $10, 3 between $10 and $11, and 3 between $11 and $12. These illustrations are chosen because the work done is similar. (Page 194.)

Report on Condition of Woman and Child Wage Earners in the United States. Vol. III. Glass Industry. Senate Document No. 645, 61st Congress, 2nd Session, 1911. Government Printing Office, Washington, 1911.

The first, and possibly the most important, factor to be noted as influencing wage variations among women glassworkers is that of factory location, using the word in a narrow sense, to mean the immediate community, in which one or more factories are established. In the discussion of boys' wages in the furnace room the fact was noted that wages often showed marked variations among factories at no great distance from each other. With the women glassworkers this local variation is even more marked than it is among the boys.

Women glassworkers are so far from being a completely mobile labor force that even moderate mobility is rather uncommon. The reason is clear. Such persons, in the great majority of cases, are not independent laborers capable of taking advantage of better opportunities. For the most part they are active members of families, the male adults of which are usually not in the same industry, or if so, rarely in the same occupations or even in the same division of the work, and in consequence, not subject to the same wage influences. Usually the woman is not the most important contributor to the family income and, as a result, has her residence, which determines her labor market, prescribed by those who would lose more than they would gain by moving the family residence to best meet the opportunities of the woman member in the glass industry. (Pages 406-7.)

The variations in the wage rates paid by different factories for the same work are frequent and great. In each occupation listed, except that of washing, the highest wage paid by the establishments at one extreme is at least double that paid by the establishment at the other extreme, and in the excepted occupation of washing the variation is little short of 100 per cent. In grinding the variation is particularly great, the difference between 6.2 cents an hour and 15 cents an hour being, on a 58-hour per week basis, the difference between $3.60 a week and $8.70 a week. (Page 408.)

Report on Condition of Woman and Child Wage Earners in the United States. Vol. 18. Employment of Women and Children in Selected Industries. Senate Document No. 645, 61st Congress, 2nd Session, 1911.

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Women glassworkers are so far from being a completely mobile labor force that even moderate mobility is rather uncommon. The reason is clear. Such persons, in the great majority of cases, are not independent laborers capable of taking advantage of better opportunities. For the most part they are active members of families, the male adults of which are usually not in the same industry, or if so, rarely in the same occupations or even in the same division of the work, and in consequence, not subject to the same wage influences. Usually the woman is not the most important contributor to the family income and, as a result, has her residence, which determines her labor market, prescribed by those who would lose more than they would gain by moving the family residence to best meet the opportunities of the woman member in the glass industry. (Pages 406-7.)

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degree of their lowness seems not to vary so much with the character of the work done as with the custom of a given industry, or, more accurately, of a given employer, for earnings within a given industry varied widely from one establishment to another. (Page 24.)

And when it comes to the question of earnings, the lack of standardization seems to reach its height. In the main the women were wholly unorganized and seemed to have no idea in regard to wages beyond taking what they could get. The determining factor seemed not so much what their services were worth or what the industry could afford as the individual employer's attitude upon the matter. In one and the same industry employers would be found who so graded their rates that the average employee would be able to earn fair wages, the unusual employee, of course, under such a system earning very good wages; employers who took foreign women because they could get them for lower wages than American women, and employers who sought girls under 16 for all the occupations they could fill on the admitted ground that "they could do as much as a woman and would work for less." With some employers the lowest wages a woman or girl could be induced to work for decided what she could get. In many cases there was an evident intention to treat the employees justly and considerately, but nowhere was there any generally accepted standard of what constituted a fair or reasonable wage. What a woman could earn by a week's work seemed to depend fully as much upon extrinsic factors over which she had no possible control as upon her own ability or her own efforts. (Pages 35-36.)

Confectionery.

The variations in the wage level for the same age groups in various states are suggestive. In general it seems safe to assume that by the time a woman is 18 years of age she has gained whatever industrial value she is likely to have in such mechanical processes as those in which she is engaged in a candy factory. And since the work done by women in candy factories does not differ greatly in character from state to state, it also seems a reasonable assumption that the value of a woman aged 18 years and over would be approximately the same to her employer whether she worked in Massachusetts or in Maryland, in Georgia, or in Wisconsin. Yet, as the following table shows, the difference in the proportion earning even so moderate a wage as $6 is marked.

PER CENT OF FEMALE WORKERS AGED 18 YEARS AND OVER IN SPECIFIED EARNINGS GROUPS, BY STATES—CONFECTIONERY

	Female workers 18 years of age and over.				
	Number.	Per cent with weekly earnings of			
		Under $5	Under $6	Under $8	$10 and over.
Massachusetts	506	25.5	54.2	86.4	3.8
New York	370	30.5	56.5	84.3	3.5
Pennsylvania	248	41.5	61.7	91.1	.8
Ohio	156	41.7	65.4	89.1	1.3
Indiana	63	65.1	79.4	90.5	1.6
Wisconsin	136	70.6	85.3	97.1	1.5
Maryland	73	71.2	83.6	94.5	4.1

(Pages 135-136.)

. . . Such wide variations indicate a total lack of standardization in wages. There seems to be no recognized wage level which a worker of given age and ability may hope to attain. What she gets appears to depend partly upon her own bargaining powers, partly upon the prevailing sentiment of the community as to what wages should prevail, and most of all upon the attitude of her individual employer.

The female workers in the confectionery industry are largely unskilled, they are usually young, to a considerable extent they are foreigners, and they are unorganized. Consequently they are peculiarly unable to have any effective voice in fixing their wages. They take what they can get and, at least in the establishments covered by this investigation, the majority were plainly getting less than a living wage. (Page 136.)

Tobacco and Snuff.

. . . The lack of any standard of wages in the industry. In one factory an employer declares he does not want and will not keep a woman who after a reasonable novitiate cannot make herself worth at least $6 a week; in another, the woman who earns $6 is a decided exception. The wages paid are practically a factory matter, and vary as widely as the sanitary and hygienic conditions under which the work is carried on. (Page 321.)

Report of the Massachusetts Commission on Minimum Wage Boards. January, 1912. House No. 1697.

Examination of the findings of our own investigators, however, shows that the lowest range of wages is less uniformly distributed within an industry than the statement of an average would suggest. For instance, in the candy industry, with its 41 per cent. of adult women receiving less than $5 a week, a comparison of wage rates in 11 different establishments shows that the lowest wages are confined to four factories, in one of which, indeed, 53.3 per

cent. of the employees received less than $5, while the other seven factories paid not one single employee of 18 or over so low a wage. The difference between these factories in the kind and the grade of their product cannot account for the differences in the wage scale, as both the higher and the lower wage scale prevailed in the factories manufacturing the cheaper line of confectionery.

Similar differences between different establishments were found in the stores and the laundries. In the stores, indeed, the large and presumably prosperous establishments of Boston in many cases paid a lower wage than was paid in some of the small suburban establishments, and lower wages than were paid in Brockton or Springfield. (Pages 11-12.)

The need of work is so great and the workers are so numerous that the employers may dictate their own terms, limited only by their sense of social responsibility and by the restricted competition of other employment opportunities. The constant and even increasing tide of immigration is an important element in the situation. The wage value of most of the labor of women is not fixed by any other economic law than that of supply and demand. (Page 16.)

There is a common and widespread but erroneous view that such legislation is an attempt to provide by government that low-paid workers shall receive more than they earn; that it runs counter to an economic law which, by some mysterious but certain process, correlates earnings and wages. There is no such law; in fact, in many industries the wages paid bear little or no relation to the value or even to the selling price of the workers' output. Wages among the unorganized and lower grades of labor are mainly the result of tradition and of slight competition. (Page 18.)

A comparison of the first six factories shows that a manufacturer can pay for unskilled adult woman labor about what he chooses to offer. These factories are competing in practically the same labor market. They are making more or less the same grade of goods. (Page 58.)

Comparisons, moreover, between individual factories whose wholesaling prices are nearly the same show a very marked contrast in wage scales. The wage scale, apparently, does not differ with the grade of goods made, but with the policy of the manufacturer in hiring labor. The undercutting of wages by the unscrupulous manufacturer at the expense of the defenseless working woman is evidently as common here as it was in Australia before the establishment of minimum wage boards.

It is a question whether the manufacturers, either those who

undercut or those who do not, deliberately adopted their wage scale. The majority had vague ideas about the general scale or the earnings of their individual employees. Probably the undercutting manufacturers had simply put pressure on their superintendents to hold down the payroll, without knowing how it was done or its effect on the efficiency of the force or on the individual. (Pages 58-59.)

The worker in the large establishment is dealt with by the owner through his superintendent: an order goes out to decrease the amount spent for wages and the latter puts it into effect. . . . This is an admission that workers are not paid less in one place than in another because they are worth less or need less, but simply because the employer, engrossed in financing his business and extending it, in buying materials advantageously, and in keeping to the front in methods of manufacture forgets that his payroll represents individual men and women who can be developed so that they will become, by their efficiency and health, increasingly profitable or who can be sucked of their value and thrown on the junk heap to be cared for by society. It is a question whether the State, for self-preservation in this period of large scale industries, should not insist on a substitute for the old time personal relation between man and master, to secure to all workers at least what the well-intentioned manufacturer, close to his workman, feels that he should and can pay. (Page 60.)

By economic law rent and the price of commodities are determined by the value of the highest priced parts that are used. Surely if the economic laws of supply and demand and of profit worked the same way with labor, the women entirely dependent on their own earnings, the women who had no male earners to help them in the care of their broken families, and the women at home and in large families with few wage earners, make a sufficient part of all the women workers to set the price of wages at the cost of living that maintains health. But with labor exactly the opposite is true. Here the price of the whole is fixed by that part which is produced the cheapest, i. e., which is subsidized, or which exists at the lowest level. The woman supported by her father or husband, or who herds in the cheapest quarters and lives on bread and tea, sets the price offered to the woman who must be self-sustaining and who must live at a decent standard if she would preserve her efficiency and health. Were labor really a commodity which could be withheld from the market at will, it would be the more expensively maintained labor that would set the price, and the more cheaply or more advantageously maintained labor would enjoy a margin similar to the margin now enjoyed as

profit and rent. As it is, instead of a lower price for labor decreasing the supply it actually increases it. (Pages 84-85.)

The Minimum Wage. Mrs. Elizabeth G. Evans, *Member First Massachusetts Convention on Minimum Wage Boards. City Club Bulletin. Chicago, 1912.*

Wages in the Candy Industry.

There is often a great difference in the conditions of employment in a given industry, which the trade. itself does not realize. In Massachusetts, in the candy industry, interstate in its scope, we found that in eleven factories, in Boston and the surrounding towns, where the industry is for the most part located, there existed a condition affecting wages that was not at all realized by the men engaged in that industry. Out of those eleven factories, four were paying much lower wages than the rest. More than half of the employees of those four factories, the adult women, were receiving less than five dollars a week. The other seven factories had not a single employee of eighteen or over receiving so low a wage. One of the employers was paying 56 per cent. a week less than another employer. The women, whom the stronger sex are supposed to protect, were paying the bill for his profits. There is evidently room for a wage board in that industry. . . . It would not affect the prices or the range of profit. The employers are all making handsome profits. They told us that the industry was growing fast, that they could sell more than they could manufacture. They distinctly told us that the difficulty was in getting enough labor. If one of these concerns should shut down, the help could be absorbed in a day by its competitors. (Page 29.)

Artificial Flower Makers. Mary Van Kleeck. *Russell Sage Foundation Survey Associates, New York, 1913.*

The fixing of the wage seems indeed to be a matter of chance. It was described by a forewoman, who said that although a definite percentage of the price of the flower was always allowed for salesmen's pay and firm's profits, the wage rate was determined by the forewoman's guess. She made it as low as possible without causing a spontaneous uprising in the workroom. As no trade union has been developed to force flower manufacturers to adopt a definite wage scale it is inevitable that variety and fluctuation should characterize the earnings of flower makers. (Page 67.)

Economic pressure is recognized as an important factor in the wage bargain, and signs are not lacking to indicate that the wage

received is in inverse ratio to the pressure. It is the worker nearest starvation who is most likely to accept starvation wages. If this be true, then the worker's standard of life will determine in part the wage received. In a trade where there is no collective bargaining but the arranging of terms of employment is left to individuals, the poverty of applicants for positions will occasion a constant downward pull on wage standards. (Pages 72-73.)

We have seen, too, that chance seems to control the wage scale. Processes vary and piece-work earnings must be readjusted with each change in the product. The workers, unstable as they are likely to be and heterogeneous in nationalty, have never succeeded in organizing a trade union to compel forewomen or employers to consider their interests in the wage bargain. Furthermore, for every worker in the shop at least one woman or child is working at home, members of a scattered industrial group without the least sense of common interests or power to ask for higher pay. All these uncertain elements influence wages and prevent the establishment of a standard. Until wage standards of some kind are recognized, personal efficiency will not be properly rewarded. Until conditions in the trade are so changed that adequate payment will be made for work well done, skill will be increasingly rare. (Page 218.)

Problem of Poverty. John A. Hobson. *Methuen & Co, London, 1891.*

As the wages of women are lower than those of men, so they suffer more from irregularity of employment. There are two special reasons for this:

(a) Many trades in which women are employed depend largely upon the element of Season. The confectionery trade, one of the most important, employs twice as many hands in the busy season as in the slack season.

(b) Fluctuations in fashion affect many women's trades; in particular, the "ornamental" clothing trades, e. g. furs, feathers, trimmings, etc.

Employers in these slack times prefer generally to keep on the better hands (on lower wages), and to dismiss the inferior hands. (Pages 152-153.)

Report of Conference on a Minimum Wage. National Anti-Sweating League, London, 1907.

In examining the rates of sweating wages one is often struck by the wide divergence in rates paid in the same locality for the

same sort of work. The difference is not infrequently as much as 50%. Now, if the higher rate leaves the employer or the middle man a sufficient margin of profit, as it must be held to do, there evidently emerges a surplus profit in the cases where the lower rates prevail. A legal minimum wage can absorb this surplus in a rise of wages. (Page 55.)

(2) WAGES AND IRREGULARITY OF EMPLOYMENT.

Regularity or irregularity of work determines the earnings of the workers. Irregularity of work with consequent loss of wages is found in varying degree in almost all industries. Investigation has shown that such unemployment is mainly due to industrial causes, such as shut-downs in dull seasons, slack trade, incompetent management, etc. The loss of earnings from irregularity of work is obviously most detrimental to the lowest paid workers. The establishment of a legal minimum wage tends to encourage the regularization of work in the interest of efficiency. It also enables the workers to maintain themselves during slack seasons.

Report of the Social Survey Committee of the Consumers' League of Oregon on the Wages, Hours and Conditions of Work and Cost and Standard of Living of Women Wage Earners in Oregon with Special Reference to Portland. CAROLINE J. GLEASON, Portland, Oregon, 1913.

Periodic rush seasons come in the Christmas holidays and in the before-Easter and spring season. After Christmas a large percentage of the force in the large stores is laid off. As a general rule, the clerks expect dismissal to be on the basis of length of service, but they claim that they can never be certain of their positions even though employed for two years. One concrete instance was that of a girl in service for a year. A friend of the head of a department was put on for the Christmas rush; at the end of the holidays the new girl was given a permanent position, the old one laid off, the reason assigned being that she would not be needed in the dull season. Her mother was ill and dependent on her, and the girl was in hard straits for work. A friend, hearing of this, interceded and after a month's unemployment, she was taken back. (Page 29.)

The rush season for bag and paper box, candy and fur factories comes just before Christmas. Paper box and candy establishments

are busy again from February to Easter, when the clothing season begins to "swing in full." Canneries maintain only a six months' season—from June until December.

The problem of unemployment which is suggested by the mention of "rush" and "dull" seasons is a serious one to the workers. Practically three-fourths of the wage-earning women of the State have to reckon on a period of unemployment which must be prepared for "somehow or other." (Page 34.)

In such trades as the clothing, shoe, candy and can making industries, which run all year, the applicant is always hoping for an opportunity to "make good" to the extent that she will be kept on when the dull season arrives. To her unemployment means a serious evil. Her wages during employment do not keep her well housed and clothed. How can she save for the day when she will be out of work? Figures of the number employed in the two seasons in a few of the trades show the extent of the problem. Clothing factories hiring 300 and 150 dismiss 200 and 100 respectively in the dull season. Three other factories of different work employing 150, 80 and 20 respectively in the busy season dismiss 115, 60 and 15 in the dull season. Unemployment in other trades will be noted when they are described. (Pages 34-35.)

Like the factories and department stores, the laundries lay off a large percentage of their help during the dull season. The experienced ironers may find it possible to do family washing by the day, but for the more unskilled workers the problem of being out of work in the winter time is a serious one. (Page 36.)

The Clothing Industry in New York. JESSE E. POPE. *University of Missouri Studies, 1905.*

The regularity with which the laborer is employed must exert a profound influence upon his well being. The clothing industry belongs to those industries in which the irregularity is marked. Each year brings its busy season and its dull season; sometimes the work is plentiful, causing a rush, and there are times when scarcely any work is to be had. And as we have already pointed out, subsidiary employment is the exception and not the rule.

The evils of this irregularity may be put under three heads: first, it reduces the size of the yearly income; second, workmen become demoralized through idleness; and third, they suffer for lack of money to tide over the dull season. (Page 186.)

Women Workers in Milwaukee. IRENE OSGOOD, *Special Agent. 13th Biennial Report, Bureau of Labor and Industrial Statistics, Wisconsin, 1907-1908.*

Except from the standpoint of health, undertime is as great an evil as overtime. It is the great factor in reducing wages. During the thirteen days ending February 15, 1906, there was no overtime. Out of sixty-eight women on day rate, only sixteen worked full time. Twenty-six lost less than one day; eighteen lost more than one day, but less than two; and six lost three days or more. The total number of hours worked by the sixty-eight girls was 6,056. If each girl had worked her full time, that is 130 hours, it would have required only sixty-three girls to furnish the same output, and they would have received a full week's pay. With the prevailing conditions of undertime, the average work time for each of the sixty-eight girls was only 119 hours instead of 130. This represents a serious loss to the women.

During the ten working days ending February 28, sixty-six girls were employed, but only seventeen were on full time. The total number of hours worked was 5,910. If each girl had been able to work full time, it would have required only fifty-nine girls to furnish the same output, and each would have earned her full week's wages. The average number of hours for each girl was eighty-eight instead of one hundred.

These illustrations are sufficient to indicate the importance of considering irregularity of employment, overtime and undertime, in any study of wages. It affects the wages, habits and morals of employes more than any factor in the industry. (Pages 1059-1060.)

Women and the Trades. ELIZABETH BEARDSLEY BUTLER. *The Pittsburgh Survey—Russell Sage Foundation Publication, New York, 1909.*

The obverse side of the fall rush is the summer depression. In January and February there is a slack season in the hard-candy trade, but in most of the factories the dull time comes during the warm months, beginning sometimes in May and lasting well through August. (Page 55.)

This long slack season brings up questions of wages. Is a candy maker's skill so slight that the girl will fit readily into some other equally unskilled occupation when the dull season comes? And does the dull season come at a time when other trades are

busy? Or, if the opportunity for subsidiary occupation is small, are the wages received during the year sufficient to carry a wrapper or dipper through a possible two months of unemployment?

We need not touch on the girls in the packing departments, because very evidently they are a less dexterous and less characteristic element in the trade. But the dippers have a specialized dexterity which does not fit them to enter other occupations, such as canneries, on an equal level. Furthermore, their dull season comes at a time when most other trades are also dull. Some few find employment selling candy in the parks or at places of amusement near the city; the majority have to count most of the summer as lost time.

This relation of wages to the slack season becomes acute in view of the proportion of girls in the trade who are obliged to be self-supporting. In the smaller factories the girls come from homes in the neighborhood, but a majority of the girls in the larger plants come from towns nearby to learn the trade, and are paying board in the city. For instance, one forewoman who directs about 100 chocolate dippers states that most of them are from homes outside of Pittsburgh, and that at least a third board with strangers. Yet less than one-fourth of the dippers (one-thirteenth of all the women in the trade) are earning wages that give them even a slight margin over living expenses. Even if we were to suppose that this slight margin is sufficient to carry a girl who is laid off through her season of unemployment, we could scarely take it for granted that it is the more fortunate or able girl who is laid off. On the contrary, when forces are reduced, it is the girls with less ability, less accuracy, and a smaller output per day who go. It is the $7.00 girls, and the girls whose earnings are below $7.00. In part, of course, the girls return to their homes, and their families bear the loss due to seasonal unemployment. But in part the cost, in under-nutrition, in unsocial employment, is borne, as ultimately every individual human loss is borne, by the community of which the chocolate dippers are a part. (Pages 55-56.)

Saleswomen are laid off for from two to six weeks, and often for much longer in the cloak and suit departments. The total yearly income is therefore lower than the income estimated from what is paid by the week. Then, too, the shop girl must dress better than the factory girl. A clean shirtwaist and a trim skirt are part of her stock in trade, and her expenses for clothing and laundry are correspondingly high.

Shop girls without friends or family ties are few. Shop girls to whom the family tie means an additional burden are many; and

there are many more who, with family ties and friends, are yet dependent upon themselves for support. (Pages 304-305.)

The Living Wage of Women Workers. [*A Study of Incomes and Expenditures of 450 Women Workers in the City of Boston.*] LOUISE M BOSWORTH, *Fellow, Women's Educational & Industrial Union. Longmans, Green & Co., New York, 1911.*

. . . The woman worker in planning her expenses must take into account the shrinkage of her income before it comes into her hand by reason of fines, trade expenses, docking for holidays and vacations, seasons of short time and no work. It is the girl on the low wage who has this loss to bear in greatest measure. The actual amount of money loss increases up to the income of $10 per week, and beyond that decreases with the increasing wage. While the girl on starvation wages, who earns $3, $4 or $5 per week, does not actually get more than 84.37 per cent. of this amount, the more prosperous woman earning $15 and over, gets 94.84 per cent. of her supposed wages. . . . (Page 33.)

The high percentage of loss of income among factory girls is due in part to the long periods of short hours and lay-offs on account of slack trade. Among sales girls the 4.50 per cent loss through illness is a large factor in the high rate. But the greatest source of loss for all classes is unemployment. The factory girls pay the highest penalty here, having an out-of-work loss of 7.14 per cent. followed closely by the waitresses, with 6.89 per cent. The latter probably increase their out-of-work time considerably by changing places between seasons, working summers at the beach and winters in the cities. Salesgirls have 6.66 per cent. loss from out-of-work; clerical workers, 5.75 per cent.; kitchen, 5.43 per cent.; professional, 3.85 per cent. (Pages 33-34.)

It appears that the heaviest loss for all occupations comes from no work, that salesgirls pay the highest amount for illness, professional workers for vacations, factory employees for holidays and laid-off times, waitresses for fines and trade expenses, and that in general the low-wage groups pay a higher proportion back to the firm than the high-wage groups. (Pages 34-35.)

Report on Condition of Woman and Child Wage Earners in the United States. Vol. II. Men's Ready-Made Clothing. Senate Document No. 645, 61st Congress, 2nd Session, 1911.

The investigation of the Bureau of Labor into the employment of women and children in the men's clothing industry was carried on in the five cities of New York, Chicago, Baltimore, Philadelphia and Rochester. In these cities 244 factories were investigated with a total labor force of 23,683 wage earners. Of these establishments 88 were in New York, 70 in Chicago, 22 in Baltimore, 39 in Philadelphia, and 25 in Rochester. (Page 13.)

In Chicago the clothing industry is divided into two branches—the "special-order" trade and the regular "ready-made" trade. From this point of view of labor, the chief characteristic of the former as compared with the latter is its irregular and seasonal character. This involves much rush work and overtime, and again unemployment. (Page 109.)

The table following presents the figures for the industry as a whole; that is, for both the "special-order" and "ready-made" branches. (Page 109.)

In Chicago in a representative week, over 50 per cent. of the women employed are reported to have worked full time; 7.5 per cent. overtime, and 11.7 per cent five days or more, but less than full time. Thus, 70 per cent. of the women are reported as having worked approximately a full week; 30 per cent. of the force are shown to have worked less than five days; 11.4 per cent. between four and five days; 9.5 per cent. between three and four days; 7 per cent. between two and three days, and 2.1 per cent. less than two days. (Page 110.)

In Chicago, in the "ready-made" trade, it is found that 59 per cent. of the women work full time; 3.4 per cent. overtime, and 13.8 per cent. five days or more, but less than full time; 76.2 per cent. thus work approximately a full week. In the "special-order" trade only 11.3 per cent. are reported working a full week, 27.1 per cent. overtime, and 2.2 per cent. five days or over, but less than full time; 40.6 per cent. or less than half of the force work approximately a full week. On the other hand, 18 per cent. are found working between three and four days in the "special-order" trade and 26.4 per cent. between two and three days, 4.9 per cent. less than two days; that is, 49.3 per cent. of the force work less than four days, as against 12.4 per cent. in the "ready-made" trade. (Page 113.)

Baltimore data showed that only one-fifth of the force (22.1) worked overtime; one-fifth more worked between five days and full time; one-tenth worked between four and five days; over one-fourth worked only between three and four days; one-seventh between two and three days and 5 per cent. two days or less. (Page 113.)

In order to determine how far the earnings of the employees as shown by the payrolls of a single week were representative of earnings throughout the period of employment during a year, and in order to secure accurate information of the extent of employment and the earnings for a full year, a study was made of the payrolls for an entire year in a considerable number of establishments in Chicago, Rochester, Philadelphia and Baltimore. The enormous amount of work involved in the examination of the payrolls for an entire year made it impossible to carry out this part of the work for the full number of establishments included in the investigation.

An examination of the payrolls for a year disclosed the fact that a comparatively small per cent. of the total number of employees continued to appear throughout the payrolls for the year. In no city were more than 35 per cent. of the total number at work in the course of the year found on 50 or more weekly payrolls. In Baltimore the proportion was less than 10 per cent. (Pages 165-166.)

In Chicago work during 1907 was found to be fairly even throughout the year. The maximum number of employees, found in January, is only 103.6 per cent. of the average. The minimum number, found in April, is 95.3 per cent. of the average. The smallest numbers employed were in April, May and June, and again in November. The largest payroll, in March, is 116.3 per cent. of the average, the lowest in September, 85.9 per cent. The highest earnings of employees in March are 112.5 per cent. of the average; the lowest, in September, 85 per cent. The rush season seems to be January to April and June to August. September, October, and November are below the average.

In Rochester the variations are even slighter than in Chicago. The highest number employed, in May, was 109.9 per cent. of the average; the lowest, in March, was 93.8 per cent. The largest payroll, in June, was 112.2 per cent. of the average; the smallest, in March, 92.3 per cent. The highest earnings per employee, in June, are 104.2 per cent. of the average; the lowest, in March, 98.4 per cent. (Page 175.)

In Philadelphia the highest number of employees was found in June—108.4 per cent. of the average; the lowest number in December—79.1 per cent. The highest payroll was 125.2 per cent. of the average, in January; the lowest payroll 47.2 per cent., in September. The highest weekly earnings per employee were 117.6 per cent., in January; the lowest 54.3 per cent., in September. January to June were busy months; July to December were considerably below the average except for the month of August.

In Baltimore the seasonal variations are marked. The highest number of employees was found in March, 126.6 per cent. of the average; the lowest in September, 72.1 per cent. The largest payroll was in February, 131.3 per cent. of the average; the lowest in September, 55.6 per cent. The highest earnings per employee were in February, 118.6 per cent. of the average; the lowest in April, 63.4 per cent. The busy season was in May and June, and again in November to March. August, September, and October were dull. (Page 175.)

Report on Condition of Woman and Child Wage Earners in the United States. Vol. III. Glass Industry. Senate Document No. 645, 61st Congress, 2nd Session, 1911.

Number and per cent. of women and children in the finishing department who worked full time and less, by number of days worked per week.

Days worked per week.	Females 16 yrs. and over		Females under 16 yrs.		Males under 16 yrs.	
	No.	Pct.	No.	Pct.	No.	Pct.
Full time, 6 days	1,386	50.0	238	49.5	63	54.3
5 days and less than 6	627	22.6	97	20.1	17	14.6
4 days and less than 5	358	12.9	62	12.9	22	19.0
3 days and less than 4	239	8.6	62	12.9	9	7.8
Less than 3 days	164	5.9	22	4.6	5	4.3
Total	2,774	100.0	481	100.0	116	100.0

Using the percentage columns of this table as guides, it appears that almost exactly one-half of the women and girls and slightly less than one-half of the boys failed to work a full week. The degree of failure varied in the three classes, but there were comparatively few in any class who worked less than a half week. (Page 404.)

The standard of living of an individual during a given period depends upon actual earnings, not upon possible earnings. Thus,

it is of much significance to note that of the 2,774 women glass-workers 338, 12.2 per cent. of the total, received at the end of a given week less than $3; 1,567, 56.5 per cent, less than $5 a week; and less than 12 per cent. as much as $7 a week. (Pages 404 and 405.)

The point to be here developed is that among all the families concerned, and especially among those of the lower income groups, a very considerable degree of unemployment existed. Classing together all male adults in families with per capita weekly incomes of less than $2, barely one-tenth (13.1 per cent.) worked a full year of 300 days, only one-third (33.3 per cent.) worked as much as 250 days, and some did not work as much as 200 days. From this it would follow that the fact of low income in such cases was due in considerable part to failure to work regularly throughout the year. (Page 577.)

The maximum working year is commonly placed at 300 days, this being the maximum number of working days. In a number of trades, however, 300 days, while a maximum, is rarely a possible full year. A mason, for instance, is arbitrarily limited by the weather; a coal miner can seldom work every day in the year, because the mine is almost certain to be closed a day or two now and then; a bottle blower in most factories does not have employment at his trade during the months of July and August, and even if he needs and seeks other summer employment several days' lost time is almost certain to result. A glassworker in a glass district may well find it impossible to obtain much temporary employment unless he travels a considerable distance, for if the glass industry is important in the community and all the factories close for the summer season there is necessarily a surplus of idle laborers. (Page 578.)

Report of the Massachusetts Commission on Minimum Wage Boards. January, 1912. House No. 1697.

No study of wages is complete without a parallel study of the steadiness of employment and the expectation of time to be lost on account of sickness. Every industry that is not essentially seasonal should pay enough to its workers to maintain them through the slack season and through short periods of sickness. This investigation throws some light on these points, but a more intensive study is necessary to show exactly how much time is lost and for what causes. (Page 63.)

The flat rate of wages gives only an approximate idea of the

actual earnings of the candyworker. She gains over her rate by payment for overtime and bonus; she loses by fines and the irregularity of her employment. (Page 50.)

It is simple to generalize about the number of women who are working at the rate of $4, $5, and $6, etc., a week in any given factory, but the actual earnings for the year, or at least for a number of weeks, are essential to a real knowledge of the situation. (Page 50.)

The average annual earnings of the 469 women who worked through the year for the same firm was $277.16 or $5.33 for each of the fifty-two weeks, including the weeks when they were out of work because of a temporary shutdown, illness or absence for personal reasons. The average for weeks worked taken alone was $5.97. The average loss, then, that the worker bore each week, largely because of industrial reasons, as will be shown later, was 64 cents. Anyone on a salary of $60 a week may bear the loss of $6 with equanimity, but to the wage earner the loss of 10 per cent. of her income is a serious concern, and added to the uncertainty of employment, a drain on her resources of mind and body. (Pages 51-52.)

The question of irregularity of employment is a very vital one to the woman earning wages which barely maintain her even when she has steady work. There is no margin left over the necessities of life, against the out-of-work period whether it is due to lack of employment, sickness or the effort to find more satisfactory work. Not only do the idle periods seriously affect the worker's purse, but irregularity and uncertainty inevitably cause deterioration in her ability to make the most of herself and her slender pay. She cannot develop foresight. She cannot plan the wisest expenditures, while indubitably recurring idleness, with its attendant anxiety, tends to impair efficiency. More appealing to some minds, because the relation of cause and effect is more clear, is the moral downfall of many women during this period of no work, no money, the discouragement of fruitless search for work, and a surfeit of time. (Pages 62-3.)

The great cause for the loss of time is industrial: 74.1 per cent. of the days lost was due to this cause. Only 4.8 per cent. or 23 of the 479 candyworkers, lost no time for industrial reasons. . . .

The average loss of time to each of the 479 was three weeks and 2.7 days, although the average for the woman who earned less than $6 was seven days greater than for the woman who earned $6 and over, and was better able to bear it. The longest

time any worker who was counted as having worked throughout the year was out in the aggregate for industrial reasons was eleven weeks. (Page 70.)

The pith of the matter is that the most shifting class of the workers, who averaged about 38 weeks' employment, for the factories where the investigators saw them, were absent three to five times as much for reasons more or less within their own control as were the steadier class of workers. These figures are based on too few reports to be considered more than suggestive.

There was not sufficient time to investigate further, although it was recognized that the question of the duration of employment, the ease with which new employment is found, and the loss due to sickness stands second to the rate of wages in the consideration of women's earnings. (Pages 73-74.)

Artificial Flower Makers. MARY VAN KLEECK. *Russell Sage Foundation Publication, New York, 1913.*

That flower makers face the problem of the seasons is shown first of all by the fluctuations in the numbers employed during the course of a year. Of 114 firms investigated, 101 reported the comparative numbers employed in their workrooms in busy and dull months. The maximum force of women in these shops was 4,470. In slack season only 873 of these 4,470 workers were still to be found in the workrooms, and of that number 385 were not flower makers only but worked on feathers also, according to the orders received. It was found that 46 firms employed no flower makers in their slack seasons, 15 employed less than five, and 13 employed between five and ten. (Page 40.)

It will thus be seen that in more than half the shops the workers must expect a dull period of three or four months every year. During that time, as is shown by the figures indicating fluctuations in numbers employed, about one girl in every group of five will have work. The remaining four must look for other employment or else be idle. (Page 43.)

Part time is another phase of the problem. Firms may report that they keep their employees "all year round," and yet the workers may suffer the disadvantages of irregularity by a reduction in pay in dull weeks. For instance, a rose maker who earned $9 a week in the busy season was employed through the dull summer months, but she worked only three days a week with half pay, except for an occasional week when more orders were received. Even then she was paid $2 less than in the winter for a

full week's work, a premium to the firm for not "laying her off." (Pages 43-44.)

At any rate it is true that not only is the year divided into dull and busy seasons, but within the busy season employment fluctuates in a way which cannot be foreseen. As an example of variations from season to season, one employer in a small shop showed his payroll for corresponding weeks in two successive years. In 1909 the total wages paid out in the second week in May amounted to $113.42, while in the same week in 1910 the total fell to $15. (Page 48.)

In spite of this versatility in combining trades, steady employment the year round is very unusual among the girls who are flower makers in the busy months in that trade. In every interview the visitor discussed with the girl the amount of time lost in the preceding twelve months. The reports of 105 appear in Tables 11 and 12.

TABLE 11—TIME LOST IN THE YEAR PRECEDING THE DATE OF INTERVIEW FROM ALL CAUSES BY WOMEN EMPLOYED IN ARTIFICIAL FLOWER MAKING

Time lost.	Women losing the time specified.
"No time"	15
Less than 1 month	32
1 month and less than 3 months	35
3 months and less than 6 months	21
6 months and over	2
Total reporting	105

TABLE 12—TIME LOST IN THE YEAR PRECEDING THE DATE OF INTERVIEW BECAUSE OF SLACK SEASON BY WOMEN EMPLOYED IN ARTIFICIAL FLOWER MAKING.

Time lost.	Women losing the time specified.
"No time"	29
Less than 1 month	31
1 month and less than 3 months	31
3 months and less than 6 months	13
6 months and over	1
Total reporting	105

These figures are a record of the time actually lost, in spite of employment in other occupations when the season of flower making was over. Thus they do not show the total time out of work in the flower trade. (Pages 50-51.)

It may be roughly estimated here, however, that after workers have followed several different occupations in the course of a year only about one girl in seven will have received wages for fifty-two weeks. (Page 52.)

That the short and irregular season is a calamity for flower makers becomes more evident when the facts about wages in this trade are known. Furthermore, information about the home conditions and family responsibilities of these workers shows that low earnings and unemployment affect not only the individual wage earner but serve constantly to undermine the standard of living of the family group. (Page 58.)

Statistics of weekly wages cannot give a just impression of the real income of flower makers unless some effort be made to estimate the effect of irregular employment on yearly earnings. (Page 70.)

The average weekly wage of all the women investigated who had had a year or more of experience was $7.76. If employment were steady throughout the year this average weekly wage would amount to an average yearly income of about $400. Nevertheless, half the workers whose earnings in twelve months could be estimated received less than $300. A rough comparison of these last two statements would indicate that the tax made by irregular employment on the income of flower makers amounts to about two dollars a week, a sum by no means insignificant. (Page 72.)

PARIS.

As an illustration of the irregularity of employment of shop and home workers alike government investigators cited the fact that of 170 home workers, 111 were unemployed at some time during the year. Of 87 reporting definitely on the subject of loss of time, 31 lost from one to two months; 35, from three to five months; and 21, six months or more. (Page 161.)

Women in the Bookbinding Trade. MARY VAN KLEECK. *Russell Sage Foundation Publication, New York, 1913.*

Most serious of all losses is the cut in yearly income due to lack of work in dull season, or loss of time for other reasons. (Page 84.)

If work were steady the average weekly wage of $7.22, which is recorded for the girls interviewed, would amount to a yearly income of about $375. But the estimate of yearly earnings shows that even though bindery girls find other work in dull season the medium yearly income from their occupations is about $308, indicating a loss of more than $50 in twelve months. This is not a small loss when the fact is realized that very few bindery girls earn $500 or more in a year. (Pages 85-86.)

A girl sometimes prefers to accept a lower wage than is paid elsewhere, if she is reasonably sure of continued employment.

It would have been better to have had $6 a week steadily instead of earning $8 so irregularly, one girl said. (Page 123.)

Their earnings are reduced still lower by reason of irregular work. Only about a third work in establishments reporting steady employment. Nearly three-fourths of the workers interviewed had frequently lost time in slack seasons. Only one in eight reported no time lost for any cause, while nearly a third reported a loss of one to three months during the year, and more than a fourth lost three months or more. (Page 220.)

Report of Special Commission to Investigate the Conditions of Wage-Earning Women and Minors in the State of Connecticut, 1913.

CONDITIONS IN DEPARTMENT STORES.

The seasonal nature of the work is one of its worst evils. For about three months in the spring and fall there is a very busy season which is followed by a three months slack period. On the part of the employers there are various ways of meeting this situation. Two firms lay off a majority of workers for all of the slack time, keeping only two older experienced workers throughout the year. One of the women questioned as to the hardships of this, said that she was forced to take in plain sewing or anything at hand at this time, but during the time she is employed in the stores she loses so many of her customers it is quite impossible to get a sufficient amount of work for a living income. One employer explained that for this reason he preferred married women with some source of income or dressmakers with an established business, but such discrimination is by no means always evident. (Page 237.)

The most common method is that of asking the worker to take a vacation. Whether they desire it or not the benefit of resting without earning is forced on them from four to eight weeks a year. This factor quite counterbalances high wages. Invariably the employees look forward with apprehension to the expense of enforced vacations. (Page 238.)

Considering the seasonal character of the work which forces from four to eight weeks vacation on all but a few of the most highly skilled and highly paid women, the question of decent existence must unavoidably be a pressing one to the girl thrown on her own resources. (Page 240.)

Report of Conference on a Minimum Wage. National Anti-Sweating League, London, 1907.

With the curse of want of regulation goes also that of irregularity of employment. . . .

It is obvious that the existence of the low and fluctuating pay for a class of labor in any trade must have an acute effect on the labor in the same trade which aims at fixing a standard rate. (Page 34.)

The Prevention of Destitution. SIDNEY *and* BEATRICE WEBB. *Longmans, Green & Co., London, 1911.*

To the workman, "unemployment" is not the attribute of a special class, or indeed, of any particular period or place, but the invariable accompaniment of the wage-earner's life in the present organization of industry. . . .

He realizes, perhaps more clearly than any other class, how incessantly the volume of his particular service that is demanded by the world, waxes and wanes—through the cyclical fluctuations of national trade, the yearly succession of the seasons, the unaccountable changes in taste or habit or fashion, the invention of new machines, the discovery of new materials, the adoption of new processes, the shifting of industry or population from one locality to another, the bankruptcy of this particular employer, or the death of another. He is, therefore, keenly alive to the fact that the one thing certain about every wage-earning employment is its perpetual insecurity, and the one assurance is that the number of the dismissals, at any one moment, at any particular season, or during any given year, can never be predicted in advance. This chronic insecurity and this incessant liability to change seems to him to be becoming more and more characteristic of industrial life. (Page 95.)

It is so difficult for those who do not belong to the wage-earning class to realize the position of the household dependent on weekly wages that we must, at the risk of wearisome iteration, once more insist that the evil with which we are dealing is not any abstract "state of the labor market," but the dismissal of a workman from his situation, the breach of continuity in his employment involving, as this does, so serious a dislocation of his own life, and of all the conditions of his family existence. (Page 110.)

Seasonal Trades. Edited by SIDNEY WEBB *and* ARNOLD FREEMAN. *Constable & Co., London, 1912.*

We may realize from the variety of industries dealt with in this volume—a selection which is but a sample of many others, that practically all trades are "seasonal" to a greater or less extent. . . .

But every student of the problems of the poor, and every philanthropic worker, knows what difficulties and dangers, how many tragic family breakdowns and degradations of the Standard of Life, these recurrent periods of "slackness" are responsible for. (Page VI.)

. . . Investigation indicates that there are practically no trades which are not subject to seasonal as well as to cyclical fluctuations. (Page 4.)

It is with the manual worker living at the margin of sustenance and paid a bare existence wage, and that only for the time he is actually working, that the phenomenon assumes a vital and overwhelming importance. The manual worker could undoubtedly contemplate the cessation of his none too agreeable labors with as much complacence as the stock-broker starting for his summer vacation if it were not for the fact that his income and with it clothing, food, and shelter for himself and his family, cease with cessation of employment. The hope, often uncertain, that his trade will revive in a few months and reabsorb him is small comfort in the immediate necessity. His small savings quickly vanish, and every possession above the margin of necessity finds its way to the pawn-broker—clothing and furniture, home itself, taking home to mean something more than four bare walls. The skilled worker is often protected to a certain extent by a meagre insurance allowance, and the unskilled worker by the occasional possibility of an alternative occupation, but irregular employment brings in its train at its best uncertainty of income and the lowering of the standard of life, and at its worst demoralization and the break-up of the family. (Pages 5-6.)

Thus to Adam Smith, as to many economists after him even down to the present day, the question of irregular employment is mainly a question of wages. (Page 9.)

It is evident from a list of 110 irregular occupations, together with the daily wages and average amount of unemployment during the year in each, which he gives in his "Organization of Labor," that Louis Blanc appreciated the evil of seasonal irregularity as well as the more general aspect of unemployment. The figures

were collected by himself from 1,500 workpeople in 830 workshops in Paris. This list is interesting as the first attempt at a statistical statement with regard to seasonal trades.

	Daily wage Francs.	Mos. out of employment during year.
Female Labor		
Washerwomen	2	4
Shoebinders	0.75	3
Knitters	0.75	3
Embroiderers	1.50	4 or 5
Polishers of metals	2.25	5
Polishers of china	1.75	5
Card makers	1.50	3
Cardboard makers	1.50	3
Bonnet makers	1.25	4
Candle makers	1.00	4 or 5
Shoemakers	1.25	.....
Colorists	2	4 or 5
Straw-bonnet makers	2	6
Milliners	1.25	4
Coverlet makers	1.25	4
Veil makers	1.25	5
Gilders on wood	1.50	5
Encarteuses	1.25	5
Button makers	1.25	4
Flower makers	1.75	5
Fringe makers	0.75	3
Glove makers	1.25	4
Waistcoat makers	1.50	4
Trousers makers	1	.....
Shirt makers for shops	2	4
Dressmakers	1.50	4
Painters on glass	1.50	4
Lace women	1	3
Cotton winders	2.50	6
Gold workers	1.50	4
Boot-hole workers	1.50	4
Feather dressers	1.50	4
Instrument polishers	2	4
Silver & enamel polishers	2.25	6
Cotton joiners	0.90	3
Patchers	1.25	3
Ironers	2	3
Dyers	2.25	.....
Vermillion makers	1.50	4
Male Labor		
Straw hat makers	4	7
Silversmiths	3	3
Armourers	4	4
Gold beaters	3.50	3
Jewellers in gold	3.75	5

Butchers	3	3
Bakers	3.75	3
Harness makers	2.25	3
Button makers	2.75	3
Hatters	6.50	5
Sausage makers (food given)	1	4
Carpenters	4.50	4
Cartwrights	3.00	5
Carvers	3.50	4
Compositors	3.50	3
Confectioners	3.50	5
Boot makers	2.75	3
Curriers	4	4
Cutlers	3	3
Tilers	4.50	4
Gilders on wood	3	3
Gilders on copper	3.75	4
Cabinet makers	3	3
Embossers	3.50	4
Compass makers	4	4
Spectacle makers	3	6
Umbrella makers	3	4
Piano makers	4	3

(Page 13.)

Among those living under great economic pressure there is a tendency for the standard of life to expand as far as possible within its narrow confines, like a gas under high pressure. The worker spends the larger part of whatever wages he gets. This holds true even when the wage becomes quite high. In America the iron-worker on the great skyscrapers finds ways to spend most of the high wage he earns for half the year, and often lives in great straits for the other half. Irregularity of income apparently encourages improvidence. Systematic arrangement of a family budget is possible only on the basis of a definite and regular income. In fact, the actual money value of the wage decreases with its irregularity. (Page 50.)

The waste due to the impossibility of systematic planning of expenditure and the higher prices paid because of credit make the wage quite inadequate even where the average throughout the year is normal. (Page 51.)

For women workers the evils of seasonal employment are even more conspicuous than in the case of men, and its effects more disastrous. (Page 53.)

The inadequacy of their wages quite precludes the idea of saving enough for slack times—even that "retrospective" form of saving which consists in pawning household belongings. Living with the greatest difficulty on the margin of sustenance, the ces-

sation of their meagre income leaves them absolutely helpless and face to face with starvation. In this weak position it is often difficult for them not to follow the only road which seems to lead away from pauperism. (Pages 53-54.)

The Economic Theory of a Legal Minimum Wage. SIDNEY WEBB. *The Journal of Political Economy, University of Chicago Press, December, 1912.*

. . . The abandonment of that irregularity of employment which so disastrously affects the New York outworkers and the London dock-laborers, and indeed most other occupations, would result in the enrollment of a new permanent staff. All these changes would bring into regular work, at or above the Legal Minimum, whole classes of operatives, selected from among those now only partially or fitfully employed. Thus, all the most capable and best conducted would certainly obtain regular situations. (Page 19.)

The Living Wage. PHILIP SNOWDEN, M. P. *Hodder & Stoughton, London, 1913.*

The amount of the living wage must bear some relation to the growing civilization and expanding aspirations of the people. It must recognize that the workers must share in the benefits of increasing wealth and the advantages which come from science and invention. It must be something more than a wage which will keep the workman's head above the water when in employment, leaving him to sink when out of work. (Page 133.)

(3) THE "PIN-MONEY" FALLACY—CONTRIBUTIONS OF WORKING WOMEN TO THE FAMILY INCOME.

Investigation has proved that only a neglible proportion of wage-earning women are working for "pin-money." In the main they are working to support themselves, or they are assisting substantially in the support of their families. A large proportion give up all their earnings to the family needs. The wage-earning daughter who lives at home often pays not only for her own support but she contributes towards the expenses of the non-wage-earning members of the family.

Report of the Social Survey Committee of the Consumers' League of Oregon on the Wages, Hours and Conditions of Work and Cost and Standard of Living of Women Wage-Earners in Oregon With Special Reference to Portland. CAROLINE J. GLEASON, *Portland, Oregon, 1913.*

A fallacy maintained by the managers and used as an excuse for their low wage scales is that girls who live at home do not need as much money as girls who are boarding. Many go so far as to require that a girl be living at home before they will employ her. The argument against this is that the girl at home surely eats three meals a day, as the girl adrift is supposed to do, and food for the former costs as much as for the latter. If she is receiving only enough to pay for her clothing, who pays for her food and laundry? If her parents or her guardians do, are they not contributing just that much toward the revenues of the store? and if she is a "charity girl" who pays for her lunches with the loss of her virtue, can she not hold the department store more heavily her debtor than do the parents of the virtuous girl? Table 2 on page 21 shows that the average wage of the girl adrift is $21 a year more than the average wage of the girl living at home, but the same table also shows that the girl adrift has an annual deficit of $91.85 and no home to rely upon for payment of it; $145.86 is the annual deficit the department store girl at home would have to face, did she pay room and board fees, as does the girl adrift. (Page 27.)

Wage-Earners' Budgets. A Study of Standards and Cost of Living in New York City. LOUISE B. MORE. *Henry Holt & Co., New York, 1907.*

It is the general custom for all boys and girls between 14 and 18 to bring their pay envelopes to the mother unopened, and she has the entire disbursement of their wages, giving them from 25 cents to $1 a week spending money, according to the prosperity of the family. After they are 18, the boys usually pay boards of $4 to $8 a week, according to their wages. They are considered in this study, "boarders," and are no more expense to the family than the usual boarder. The girls are not usually boarders until they are over 21, and then they pay from $3 to $6 a week to their mothers. In some cases they continue to give all their wages to their mother, who supports them until they are married. (Page 87.)

Women and the Trades. ELIZABETH B. BUTLER. *The Pittsburg Survey—Russell Sage Foundation Publication, New York, 1909.*

Clearly, however, the tradition that a girl's father and brothers always help toward her support has become, in the Pittsburgh district at least, in many cases illusory.

That a girl is one of a family group is quite as likely to indicate that she is chief breadwinner, as that her family is her chief bulwark against the world. One quick, pale-faced American girl is a decorator in a glass factory. She gets $8 a week. Her little brother is a messenger at $4. For five months in the winter of 1907-08, they were the only ones in the family of seven who were earning anything. One plump little German girl whose soft brown hair and pink cheeks contrast pleasantly with the less attractive types about her, is a salesgirl in a mercantile house. With a wage of $6 a week, she is responsible for the support of a mother and two younger sisters. Accidents to workmen in the mills have often thrown such heavy responsibilities on the young daughters. A girl whose father was killed by an electric crane was the only one of the family old enough to work. Forced by financial needs to accept a wage fixed by custom at a point below her own cost of subsistence, much more below the cost of helping to maintain a family of dependents, she drifted into occasional prostitution. Another Pittsburgh girl was induced by the bitter need of her younger brothers and sisters to raise her wages from $6 a week to $10 by concessions to her employer, and finally to choose prostitution as a means of support. A comrade of hers came long ago from a country town to work in a cigar factory, but after an unsuccessful struggle with the city, drifted into this same way of life. Without a home to supplement her wages, she caught at what seemed to her the only way of making them meet her needs. In such cases, scarcely typical, but far from uncommon, cause and effect are glaring in their directness. (Pages 347-8.)

The Living Wage of Women Workers. [*A Study of Incomes and Expenditures of 450 Women Workers in the City of Boston.*] LOUISE M. BOSWORTH, *Fellow, Women's Educational and Industrial Union. Longmans, Green & Co., New York, 1911.*

The causes of the recent influx of women into all fields of employment are easily discernible. The main cause is not, as is often assumed, the desire to earn "pin-money." A recent investigator declares that the girls working for pin-money are negligible factors. "The women were working from economic compulsion." That is unquestionably the principal motive of the economic activity of women. It is supplemented in some cases by higher and finer motives of personal ambition, or the determination to make an independent career, to realize the possibilities of personal development and social service, which in the past have been reserved largely for men. The pressure of economic necessity, it should be noted, has been increased greatly in recent years by the advance in the cost of living, which has forced women into the trades to supplement inadequate family incomes. (Page 5.)

Proposed Minimum Wage Law for Wisconsin Prepared Under the Direction of JOHN R. COMMONS, *Wisconsin Consumer's League, Madison, 1911.*

The industries employing the largest number of women and girls were selected as the basis for this investigation and a few typical factories in several of these industries were visited. There were fifteen in all, including candy factories, shoe, paper box, glove and envelope factories, clothing establishments, and a few department store schedules were obtained. Schedules were taken from 1,189 girls. . . . (Page 9.)

Only 78 of the 1,189 girls are boarding away from home; 1,078 are living with parents or near relatives; 875 of these contribute their entire earnings to the family income and 203 pay board at home. This board is usually most of the earnings, the girls saving only enough for car fare and a small sum for clothes and amusements. Six girls constitute the entire sum, of the popularly supposed majority, who work for pin-money and contribute nothing to the family support. There are undoubtedly many of these young girls who are often temporarily the sole support of their families —and several cases were noted where they were the only permanent income. One little girl of 15 is the only wage-earner in a family, consisting of a paralyzed father and a mother slowly losing her sight, and several small children. (Pages 10-11.)

Report on Condition of Woman and Child Wage-Earners in the United States. Vol. II. Men's Ready-Made Clothing. Senate Document No. 645, 61st Congress, 2nd Session, 1911. Government Printing Office, Washington, 1911.

Of women who work and live at home 87.7 per cent. of the females of all cities give all of their earnings to the family. (Page 393.)

Report on Condition of Woman and Child Wage-Earners in the United States. Vol. V. Wage-Earning Women in Stores and Factories. Senate Document No. 645, 61st Congress, 2nd Session, 1911.

ST. LOUIS.

Only 75 per cent. of the home store girls and 53 per cent. of the home factory girls visited have both parents living. The largest number of the remaining 25 per cent. and 45 per cent. are living with mothers only, of whom they are the chief support. This is not in accordance with the general impression that most women work only for "pin-money." A few live with sisters, and 1 per cent. of the store and 3 per cent. of the factory women live with husbands. (Page 186.)

It is doubted if anything in the whole report is more significant than the large percentage of the women wage-earners living at home who were turning into the family fund all their earnings. Of the women reported in New York stores 84.3 per cent. and of those in factories 88.1 per cent. contributed all their earnings; and in Chicago and St. Louis the percents were only slightly smaller.

It is true that there may enter into the large percentage for the factory workers the tendency among foreign-born families to regard children as an investment, to whose earnings the parents have a proprietary right so long as the children are under the parental roof. But in this connection it is significant that among the women in department and other retail stores, where the foreign element enters but slightly, the per cent. turning their entire earnings into the family fund is not much smaller than among the factory and mill workers. This is shown to be the case in each city investigated except St. Louis, where a larger proportion of store women than of factory women contribute their entire earnings to the family fund. (Pages 18-19.)

What has this condition to do with the faith current among so many employers and accepted by the public that the girls who have homes work only for "pin-money"? It should be noted, of course, that manifestly the home girl must get back all the necessaries which the woman adrift must herself purchase, including the clothes, car fare, and incidental expenses for emergencies or amusements. (Page 21.)

In this keeping-house group also are found the largest number and per cent. (37.8) of women having others partially dependent on them for support, 101 women having a total of 183 persons

whom they must assist, an average of nearly two per person. There is, of course, a wide range of the term "partially dependent," but most of the cases to which it has been applied, especially in this group, are those of two women, perhaps a mother and daughter or two sisters, supporting the other members of the family, who are thus classed as partially dependent on each of the working women. (Page 57.)

Report on Condition of Woman and Child Wage-Earners in the United States. Vol. V. Wage-Earning Women in Stores and Factories. Senate Document No. 645, 61st Congress, 2nd Session, 1911.

Number and per cent. of female wage-earners in department and other retail stores, factories, etc., living at home, who did or did not contribute to the family fund.

BOSTON

	No. reporting as to contributions	Percent contributing		
		All	Part	None
Stores—Total	239	55.6	38.9	5.5
Factories—Total	478	61.7	36.4	1.9

CHICAGO

	No. reporting as to contributions	Percent contributing		
		All	Part	None
Stores—Total	178	78.7	17.4	3.9
Factories—Total	268	81.3	17.2	1.5

MINNEAPOLIS AND ST. PAUL

	No. reporting as to contributions	Percent contributing		
		All	Part	None
Stores—Total	94	47.9	44.7	7.4
Factories—Total	129	53.5	44.2	2.3

NEW YORK

	No. reporting as to contributions	Percent contributing		
		All	Part	None
Stores—Total	344	84.3	11.9	3.8
Factories—Total	1,532	88.1	11.3	.6

PHILADELPHIA

	No. reporting as to contributions	Percent contributing		
		All	Part	None
Stores—Total	264	56.8	39.0	4.2
Factories—Total	732	67.9	30.6	1.5

ST. LOUIS

	No. reporting as to contributions	Percent contributing		
		All	Part	None
Stores—Total	95	77.9	17.9	4.2
Factories—Total	231	74.9	21.2	3.9

(Summarized from tables on pages 19-21.)

Report of the Massachusetts Commission on Minimum Wage Boards. January, 1912. No. 1697.

In the opinion of the commission the number who are working in order simply to add to their comforts or luxuries is insignificant. Women in general are working because of dire necessity, and in most cases the combined income of the family is not more than adequate to meet the family's cost of living. In these cases it is not optional with the woman to decline low-paid employment. Every dollar added to the family income is needed to lighten the burden which the rest are carrying. (Page 17.)

The girl who lives at home and works for "pin-money" is the rare exception. One and two-tenths per cent. of the candyworkers gave none of their wages to the home, and 78.5 per cent. gave all they earned; 20.3 per cent. gave a part. In the 1910 federal investigation of one-half as many workers in the factories of all description in Boston, 1.9 per cent. gave none of their earnings to the home, 61.7 per cent. all and 36.4 per cent. a part. (Page 79.)

Both investigations dispose conclusively of the pin-money argument. The manufacturers questioned on this point agreed that the candyworkers living at home needed all their wages and were dependent upon them. No one at all conversant with the facts believes that any proportion of the women workers do not need every cent they earn. (Pages 79-80.)

The pin-money theory is even more conclusively disposed of in the case of the store girls than of the candyworkers. There were not enough foreigners to give ground to the argument that the custom of handing over the pay envelope accounted even in part for the 61.7 per cent. who did so. The greater age of the store employees explains why a large proportion, 34.9 per cent., turned over only a part of their earnings. The remainder, beyond the share for board and lodging, they managed for themselves. The pin-money workers were only 3.3 per cent. of the 2,276 workers who reported. (Page 140.)

It has been frequently stated that the girl or woman who lives at home does not need the same wage as a woman who is entirely self-dependent. It is true that co-operative living is

cheaper than living alone, but it is fair to question how great that difference is. The woman at home has the same expenditure as the woman adrift, for clothing, car fares, dentistry, doctor's fees, medicine, church, recreation, and for savings for old age and burial, and for savings against sickness and shutdown of employment. Her family will care for her when she is sick or laid off, but she too must bear in turn her share of the expense of the sickness and lack of employment of the other members of the family. Her outlay for this is larger even than that of the girl adrift, for she must bear, in addition to her own share, her proportion due to the illness of the mother and sometimes of a grown-up brother or sister, and of the children who are not wage-earners. Time and again in the investigation girls were met who were helping to support a comparatively young father industrially disabled by rheumatism or some chronic trouble.

The saving of co-operative living comes in the items of rent and food. (Pages 78-79.)

The cost of management, preparation and service in the home lies in the maintenance, clothing and general expenses of the mother, of which the adult daughter must bear her share. (Page 79.)

The adult daughter living at home needs the same wage as her sister who is adrift. She ought not to have to live on her father, who for so many years has supported her or supplemented her earnings. It is reasonable for her to pay in full measure for the cost of her board and lodging including some of the mother's expenses. It is only the mother's labor that enables the cost of the household to be brought so low. She cannot lean on her overburdened father for clothing, car fares, recreation, church, doctors and medicine, dental care and insurance. (Page 84.)

In general, one fact stands clear: throughout the cities of the state about one-quarter of the women workers in stores are dependent on their own resources. Again the question arises as to the economy to society of a scale of wages that is fixed on the basis of the need of women living with their fathers in disregard of one-quarter of the workers. Moreover, those who decrease their expenses by co-operative living at home have to bear, as the table on page 138 shows, more than their share of the whole cost of the family group, for in all but 5 per cent. of the families there were one or more persons who were not contributing to the family income, and who had to be carried by the wage-earners. (Page 134.)

The preceding tables show, as with the candyworkers, the folly of the idea that the 397 women who lived at home in a broken

family, and carried the absent man's burden, economized by co-operative living. That was true for only 61 women, or 15.3 per cent. These women were living with relatives, who were also wage-earners. The large majority, 336, or 84.6 per cent., offset the economy of co-operative living by their effort to support, with the help of one or more other women workers, a family of varying size. Seventy of them or 17.6 per cent. of all the women of this class, did not economize at all by co-operative living, as they were the sole dependence, save for charity, of from two to nine persons.

The uneven proportion of the number of workers to the number to be supported in the normal home is the same as among the candyworkers, except that there are a large proportion of families supported by one man with the help of one woman. (Page 140.)

Second Report of the New York Factory Investigating Commission, 1913. Appendix IX. Mercantile Establishments.

The Massachusetts report, together with the reports of the Federal Government on women in stores (Report on Woman and Child Wage-earners) disposes of the long-lived fallacy that the department store employees are working for pin-money, and hence wages may safely be very low because they are not needed for actual self-support. Many store managers acknowledge that they prefer to engage girls who are living at home. The supposition is that they are then not dependent on their earnings.

Both of these official reports, after intensive study, prove that even when a girl lives at home her pay is, in an overwhelming majority of cases, not pin-money for herself, but an indispensable part of the family income. The chief bread-winner is ill or disabled or is unable to support his wife and children by his own earnings. In many cases women employed in department stores are themselves the chief or sole wage-earners of the family. According to the Massachusetts report, "throughout the cities of the state about one-quarter of the women workers in stores are dependent on their own resources."

And in Boston, for example, of the 2,276 women and girls employed in retail stores, only 3.3 per cent. were working for pin-money. All the rest gave their pay envelopes to their families as a necessary part of the family income, or supported themselves entirely upon their own earnings. The United States Government report gives approximately the same figures in New York City, namely, 3.7 per cent., pin-money workers. (Pages 1261-62.)

Artificial Flower Makers. MARY VAN KLEECK. *Russell Sage Foundation Publication, New York, 1913.*

For the remaining 169, or 97 per cent. of the group, who lived with their families (including the 10 married women), the protection given them by the home brought with it a more or less heavy share of responsibility for maintaining the household. In the 128 families under discussion were 807 members, and 545 of these contributed in some way to the family budget. In only 93 of the 128 families was the father living and at home, and even in those cases he was not always a wage-earner; in 29 cases the father was dead; in six he was not living with his family; and in eight he was ill or too old to work. (Pages 74-75.)

No one who wishes to understand the causes of poverty can safely neglect consideration of the wages of working girls who "live at home," and whose low wages because they do so are regarded complacently by men and women who lack a comprehending knowledge of the responsibilities of daughters in such homes. (Page 80.)

The contribution of girls to their families is not limited to their wages, for in the evenings they are obliged to help with the housework, to sew, and to wash their clothes. "Men don't have to work as hard as women," said a married woman who after a nine-hour day in a shop makes her children's dresses at home at night. Two young Russian flower makers, refugees from Odessa, whose mother was dead, did almost all the housework in the evening for a household of six, including their father, who was a painter, their grandmother, a younger sister of school age, and a boarder. (Pages 84-85.)

Practically all these flower makers who live at home turn their entire earnings into the family purse. The mother or the head of the household then uses it for living expenses, giving the girls the money which they must have for car fare and lunches. Rent is the first item to be paid. The remainder is stretched as far as possible over food, clothing, insurance, and other important items, and an occasional expenditure for a trip to Coney Island or a ticket to a moving picture show. We found no flower maker living at home who did not give the bulk of her earnings to the household. In other words, we found no "pin-money workers." Low wages paid to these women who live at home have far more serious consequences for the community than the loss of the finery for which working girls are sometimes supposed to be spending their strength in factories. (Pages 86-87.)

Report on the Wage-Earning Women of Kansas City. Board of Public Welfare of Bureau of Labor Statistics, Kansas City, 1913.

Information was obtained from 912 of the girls living at home or with relatives, showing the per cent. of their wage contributed to the family; 206 or 22 per cent. contributed all of their wages to the family, 249 or 27 per cent. stated that they paid part of their wages into the family but were unwilling to state what part. Three hundred and fifty-eight paid less than their total earnings into the family, the average amount paid in being from $3 to $4 per week, while their average wage was from $6 to $7 per week. Eighty-four, or 9 per cent., paid nothing into the family. These figures explode any notions that many girls living at home go into the shops in order to earn "pin-money"; a majority of them pay as much or more into the family as they would have to pay if they were boarding out, but there may be enough "pin-money" girls to help depress the wages of necessitous workers. (Pages 62-3.)

Report of Special Commission to Investigate the Conditions of Wage-Earning Women and Minors in the State of Connecticut, 1913.

The amount of their contribution to the family income of their earnings was asked of 770 women in the metal industry who lived at home and who were personally interviewed. Of the total number reporting, 66.24 per cent. contributed all of their earnings, 33.11 per cent. contributed a part of their earnings and .65 per cent. or five out of 770 women kept their wages entirely for their own use. (Page 201.)

The amount of the contribution to the family income of their earnings was asked of 307 women in the rubber industry who lived at home and who were personally interviewed. Of the total number reporting 65.15 per cent. contributed all of their earnings, 34.53 per cent. contributed a part of their earnings and one out of 307 women kept her wages entirely for her own use. (Page 216.)

The amount of their contribution to the family income was asked of 923 women in the corset industry who lived at home and who were personally interviewed. Of the total number reporting 74 per cent. contributed all of their earnings, 24.27 per cent. contributed a part and 1.73 or 16 out of 923 women kept their wages entirely for their own use. (Page 129.)

The Economic Review, Vol. 18, London, 1908. The Remuneration of Women's Work. HAMILTON W. FYFE.

Except in certain well-established and organized fields, women's wages are still reckoned on the assumption that all women are partially supported by husbands or parents, and that no woman need be regarded as a real economic unit. This assumption is, of course, far more false than true, and from it confusion and distress result in three ways. Those women who support themselves upon their own earnings are stunted and harassed by an insufficient income, based upon a false assumption. Those who are partially supported by husbands or parents keep wages low by competing in the open market. And those who have no such support and, owing to this competition, cannot earn a living wage, are forced to eke out an indescribably miserable existence by the aid of State relief, charitable subsidy, or prostitution.

Statisticians relentlessly remind us that, in our present society, women largely outnumber men, while the laws against polygamy are still enforced. Thus a large number of women do not marry, and of these all who have no independent means must support themselves, while many have to support others as well. (Page 135.)

The preliminaries to a remedy are these: we must face the fact that of women who work a majority have no support except their earnings, and a large number are bread-winners for many other mouths; we must prevent wages being depressed by the competition of the partially supported. (Page 137.)

(4) UNDER-PAYING INDUSTRIES ARE SUBSIDIZED.

Wages are a legitimate charge on any industry like other fixed charges. An industry paying less than a living wage to its workers is receiving a subsidy from some source. The workers in such a trade are supported partly by the earnings of some other class. The underpaying industries are therefore parasitic or dependent upon a bounty. This is paid either by the families of the underpaid workers, and so indirectly by the better paying industries which employ them, or it is paid by Society as a whole. The physical and moral deterioration of underpaid workers entails on the community charges for hospital care, charities and reformatory work.

Investigation in Oregon shows that except for 31 girls

employed in offices, the average wage of 509 working women was found inadequate for support without assistance.

A—*By the Families of the Workers.*

Report of the Social Survey Committee of the Consumers' League of Oregon. CAROLINE J. GLEASON, *Portland, Oregon, 1913.*

Each industry should provide for the livelihood of the workers employed in it. An industry which does not do so is parasitic. The well-being of society demands that wage-earning women shall not be required to subsidize from their earnings the industry in which they are employed. (Page 6.)

Table 2 below gives the average annual wage and expense of the 509 women interviewed in Portland, classified according to industry and whether they were living at home or adrift. The saving or deficit is also indicated, showing the amount of outside help required for the girl's support.

It will be observed that the average girl in every occupation, except office work, receives wages which are inadequate for her support, and consequently would face the end of the year in debt if she does not receive assistance from her family or some outside source. This shows the extent to which industries employing women are parasitic in character.

TABLE 2.

Average Annual Wage and Expense of 509 Women Wage Earners in Portland, classified by occupation and as to living at Home or Adrift:

	No.	Average Annual Wage	Expense	Deficit	Saving
LAUNDRY—					
	9 At Home	$423.00	$474.45	$ 51.45	
	27 Adrift	464.00	475.05	11.05	
FACTORY—					
	82 At Home	416.92	426.98	10.06	
	18 Adrift	395.00	438.83	43.83	
OFFICE—					
	57 At Home	542.14	599.50	57.36	
	31 Adrift	692.90	617.07		$ 75.83
DEPARTMENT STORES—					
	81 At Home	459.50	605.36	145.86	
	35 Adrift	480.57	572.42	91.85	
MISCELLANEOUS—					
	99 At Home	440.24	539.29	99.05	
	70 Adrift	458.71	526.68	67.97	

Out of 127 persons who offered information, other than the schedules called for, 70 stated that they could not live on their

salaries if they did not receive outside help; 22 had to help support families that ranged from four to nine persons; 15 others said they had children to support; 62 claimed to receive assistance from home. The wage ranged from $2.50 to $12 per week. (Pages 21 and 22.)

Women and the Trades. ELIZABETH BEARDSLEY BUTLER. *The Pittsburgh Survey—Russell Sage Foundation Publication, New York, 1909.*

Although the lower wages of women may represent a lower standard of responsibilities to be met by earnings, $3 or $4 a week does not cover the individual cost of living, however extreme the degree of restraint and limitation. The difference between her wage and the cost of living, however met, represents the extent to which she is subsidized from some quarter.

That women workers are thus usually subsidized tends to keep their wages low, not only in Pittsburgh, but wherever they enter the industrial field. Only here and there a powerful women's union, or the personality of an exceptional woman, has counteracted this tendency. Being in fact a recognition that wages must approximate cost of living, it affects the determination of rates paid by nearly every firm employing women. If the cost of living is met in part by the woman's father or husband, or if she takes the way that is always open to her for self-support, her employer needs to pay only a supplementary wage fixed in part by custom, and in part by the purchasing power in the district of the wages paid to men. "We try to employ girls who are members of families," a box manufacturer said to me, "for we don't pay the girls a living wage in this trade." The social fact of woman's customary position in the household, the position of a dependent who receives no wages for her work, thus lies behind the economic fact of her insufficient wage in the industrial field. It is expected that she has men to support her. (Pages 345-6.)

The Theory of the Minimum Wage. H. R. SEAGER. *New York. American Labor Legislation Review, February, 1913.*

In many cases the difference between the wages received and the necessary cost of maintenance is made up from the surplus incomes of other members of the family. To make more probable this result, some department store managers make a point of employing only girls who live at home. In some cases they are recipients of charity, as when they patronize girls' boarding houses or lunchrooms conducted at a loss. Finally in some cases they

supplement their wages by occasional or regular prostitution, or resisting the temptation to do so, actually die of under-nutrition and worry.

The places of girls who marry, who are advanced to more remunerative positions, who turn to other employments or who die prematurely in consequence of under-nutrition and the excessive nervous strain of trying to live on an inadequate income, are constantly taken by other girls, so that department store managers rarely have any difficulty in securing all the new hands they require at whatever wages they are accustomed to pay.

Under these circumstances, as under the somewhat different circumstances affecting the lot of tenement house workers, starvation wages continue to be paid to young girls in department stores year after year and the free play of economic forces offers no promise of improvement. (Pages 83-84.)

What Is a Fair Wage? By CLEMENTINA BLACK. *New Review, Vol. 8, London, 1893.*

Every person who in any department of labor is receiving less than a subsistence wage is helping to make a non-subsistence wage the rule in that department and thereby rendering it impossible for any man or woman to live by that sort of labor. Moreover, it may fairly be pointed out that every person who is not living solely upon the payment for his own work is living partly upon the payment for somebody's else, and thereby reducing that somebody's income. (Page 589.)

Women's Work and Wages. A Phase of Life in an Industrial City. EDWARD CADBURY, M. CECILE MATHESON, *and* GEORGE SHANN. *T. Fisher Unwin, London, 1906.*

It is said that girls live at home, that they spend their holidays with their friends, that they go home when they are ill, etc. This is all true in the majority of cases, but we are not therefore justified in taking women's lives and getting our work done partly at the expense of their relations because we pay them less than enough to live in accord with the standard to which they have been brought up. Few men would like to think that they were educating their daughters at the expense, rather on the charity, of other men; that their office expenses were kept down by the kindness of men whom they would hardly know in society; and yet this is only too often the case. (Page 188.)

The Practical Case for a Legal Minimum Wage, by R. C. K. ENSOR. *Nineteenth Century. London, 1912.*

What happens, when wages are paid too low to sustain physical efficiency, at least after the minimum demands of civilized custom have been satisfied? One of two things happens: either physical efficiency is not sustained and the under-paying industry is actually eating into the capital value of the worker; or else it is sustained, but only because to make up the deficiency in the wages of the under-paid worker part of the wages paid by some other industry is brought in (as when an under-paid tailoress is housed for nothing by her parents, or an under-paid carman relies upon the earnings of his daughters in a cotton-mill), or relatives are diverted from non-industrial duties to wage-earning (as when the under-paid carman's wife neglects her children to go out laundering, or his children of school age sell newspapers in the streets). In either case the under-paying industry is in the strict economic sense parasitic. In the first and last cases it levies a tax on the community at large; in the second case it levies one on some special industry or industries. Neither way is it any less a bounty-fed, unfairly advantaged industry than one to which State bounties are paid over in hard cash, as to the beet sugar industry of the Continent. Indeed, a system of State bounties is far less objectionable; for the amount of the bounty is definite and visible, and it comes from a general taxation, whose burdens may be distributed as equitably as the nation chooses; whereas the bounty received by an industry which pays less than subsistence wages is indefinite and elusive, its burdens are laid at random, largely on the weakest shoulders, and the nation foots the bill, not in money only, but in physical deterioration, moral degradation and social catastrophe. (Page 265.)

B—*By Society.*

Women and the Trades. ELIZABETH B. BUTLER. *The Pittsburgh Survey—Russell Sage Foundation Publication, New York, 1909.*

The problem of women's work and wages cannot be adequately solved without reckoning with the family and the home. We may be sure, however, that the practice of industries, whether in Pittsburgh or elsewhere, of not paying women employees enough to live on, is economically unsound. Every manufactured article in such case is paid for only in part by the consumer and in part by someone else who partially supports the women. And we may be sure that where women, thrown on their own resources, are

paid less than subsistence wages, ill social consequences result. Beyond that, we may further question whether a community does well to have any of its workers, however supported, paid less than subsistence wages. (Page 349.)

Report of Massachusetts Commission on Minimum Wage Boards, 1912.

Wherever the wages of such a woman are less than the cost of living and the reasonable provision for maintaining the worker in health, the industry, employing her is in receipt of the working energy of a human being at less than its cost, and to that extent is parasitic. The balance must be made up in some way. It is generally paid by the industry employing the father. It is sometimes paid in part by future inefficiency of the worker herself and by her children, and perhaps in part ultimately by charity and the State. The commission believes that our industries in general are not dependent upon such underpaid labor and that by gradual adjustment of wage scales the present unfortunate condition in a number of employments could be improved without injury to the employing interests. If an industry is permanently dependent for its existence on underpaid labor, its value to the Commonwealth is questionable. (Page 17.)

Through the co-operation of several of the charitable agencies of Boston, facts were obtained concerning the average weekly earnings of all the women workers, exclusive of those in restaurants and at domestic service and cleaning by the day, who were members of families which were being assisted on September 1, 1911.

Of these 468 recipients of charitable assistance one-half worked for a wage of less than $6 a week. Only 13.7 per cent. had $8 or more. On these wages charity was necessary. They are very little less than the earnings of the laundry hands and more than those of the candyworkers. It may be judged that when wages are so low the question as to whether a family may be spared from seeking charity depends on other circmustances. The healthy family, with a fair proportion of wage-earners to persons to be supported, and whose wage-earners have steady work may get on without help; so may the family that has one well-paid member to subsidize the others. Again, families may be privately assisted by generous friends, neighbors and relatives who are somewhat better off; others may eke out by vice. But however it is done, such wages are supplemented by society to the extent of the cost of living of the wage-earners and their families minus what is

skimped out of their health and strength and energy. (Page 236.)

The Minimum Wage Problem. The Independent, New York, 1912.

The report of the Massachusetts Commission on Minimum Wage Boards presents supporting evidence not lightly to be set aside. The investigations recorded indicate that the number of wage-earning women in that commonwealth who are working merely to add to their comforts or luxuries is "insignificant." In general, women's wage in Massachusetts is less than a "living wage." At the same time, it is shown that in the same industry, good wages are paid in certain establishments, while in competing establishments the low wages prevail which bring down the general average. The commission rightly argues that these facts prove exploitation by the low wage establishments, or incompetent management and that in any case, the industry that does not on the whole pay a living wage is parasitic and of questionable social value. In the long run its costs fall on other industries and on the community. That enlightened employers admit the soundness of this reasoning is shown by the fact that in Australia and in England competent employers do not object to the minimum wage laws and usually welcome the "determinations" made by the minimum wage boards.

Persistent and powerful opposition to the proposed legislation will of course be made in Massachusetts and in other States which may take up the idea. It will be as futile as opposition to child labor legislation, industrial insurance legislation, sanitary and tenement house legislation, and other policies, which an enlightened public opinion and a sturdier social conscience are bound to stand for. In the political economy of today there is no more fundamental principle than that every industry must meet its own costs, including the cost of maintaining its labor force in unimpaired health and efficiency. (Pages 584 and 585.)

A Minimum Wage for Workers. Addresses by H. La Rue Brown, *Chairman of Massachusetts Minimum Wage Commission, and Mrs.* Glendower Evans, *Member First Massachusetts Minimum Wage Commission. City Club Bulletin of Philadelphia, January 27, 1913.*

The law of the conservation of energy, of human energy, if you like, is as true in social dynamics as it is anywhere else. That difference between what that girl gets, and what she must spend is going to come from somewhere. Where is it going to come from?

There are several places. Father Ryan, out in Minnesota, has

said in some well considered articles, that the chief cause of dependency and delinquency is the evil of insufficient wages. Without following out his argument, I think I may state it as an assertion that he makes out a case at least for saying that it is a very large cause. No doubt your own experience and observation would confirm that. We found that in Massachusetts we were paying over five million dollars ($5,000,000) a year for dependents and delinquents in public institutions, and that takes no account whatever of the millions that are spent in private charities. That is where the business side of a decent wage begins to come into play, because that five million dollars ($5,000,000) and the other millions spent in private charities come from taxes, from the pockets of you and me. There is no use in arguing about it; it is not sentimentalism at all. There is the money spent, and it is our money, and that is the beginning of the business side. (Pages 199-200.)

The Wage-Earner and His Problem. JOHN MITCHELL. *P. S. Ridsdale, Washington, D. C., 1913.*

Can any special reasons be offered by government for interfering in the rates of wages? To this, the reply may in part be arrived at by contemplating the effects upon the state (society organized for the purposes of government) in the case of wages insufficient to maintain wage-earners independently of public assistance. Surely, if society is continuously to be called in to piece out the cost of the maintenance of a class of its members, it has a just and serious concern in all the conditions of the labor of that class. It might be better—at times assuredly would be better—to support entirely non-self-sustaining persons rather than to permit them, through their unpaid labor, at once to semi-pauperize themselves and to put in jeopardy, through their destructive competition, the wage-rates and, consequently, the well-being of their fellow-workers in general, who usually obtain a higher scale. Here, regarding its special wards, the state, mindful above all of a defense of its own future, might prescribe extraordinary protective measures. (Page 99.)

Women's Work and Wages. [*A Phase of Life in an Industrial City.*] EDWARD CADBURY, M. CECILE MATHESON, *and* GEORGE SHANN. *T. Fisher Unwin, London, 1906.*

Any advantage gained by employers in a particular trade by obtaining the use of labour not included in their wages bill is analogous to a subsidy or bounty, which under a Protectionist regime enables "the endowed manufacturers to bribe the public to

consume their articles by ceding to them what they have not paid for." This comes about in two distinct ways: "First, the case of labour partially subsidized from the incomes of persons unconnected with the industry in question." Trades employing boy and girl labour often come under this heading. The employer of adult women is in the same case when he pays wages insufficient to sustain the efficiency of his workers, who are subsidized by others.

There is a more vicious form of parasitism in the case where employers use workers and pay them a wage insufficient to maintain health and vigour.

"In thus deteriorating the physique, intelligence, and character of their operatives, they are drawing on the capital stock of the nation." Such a trade is a parasite on the present and the future. Nor is there anything peculiar in the products of the sweated trades to justify this parasitism. It merely means that the employers take the line of least resistance and instead of cheapening cost by the latest improved machinery and up-to-date business methods, look to low-paid labour for this end. Unfortunately there is no chance of the parasitic trades raising themselves by any sectional action of their own. (Pages 283-284.)

Sweated Industry and the Minimum Wage. CLEMENTINA BLACK. *Duckworth & Co., London, 1907.*

. . . The underpaid worker who fails to be wholly supported by the proceeds of his own labor is inevitably supported in part out of the pocket of some other person or persons. Moreover, both the health and the work of the underpaid worker presently deteriorates. He contributes less than he might and ought to the general wealth, and, by and by, when his health fails sufficiently, he becomes a charge upon the public. (Page 170.)

"A trade which can only live by means of inadequate wages and cheap, squalid, unhealthy buildings is doomed." Such a trade, while it still endures, is not really a source of national profit. The workers whose lives it drains, not being supported by the price for their labor, must come eventually to be partly or wholly supported by other people. They are, in fact, a national burden, whether the charge is nominally born by the State, or by private citizens. Poverty, dirt and disease are very costly to the country in which they prevail; and they are inevitable results of under-payment. (Pages 266-67.)

Economic Theory and Proposal for a Legal Minimum Wage. LEES SMITH. *Economic Journal, London, 1907.*

If the community were to give an annual bounty to all the employers in a certain industry it would be enabled to outstrip its rivals. The employers would gain an advantage analogous to a bounty if they obtained labor without being required to pay for it. Now, whenever employers hire men or women at a wage below full subsistence level they do obtain such a supply of unpaid labor force. Hence the trade is "parasitic" in the same sense as a trade dependent upon a bounty. If, therefore, in the one case it would be for the benefit of the community to cut off the bounty, we ought, in the other case, by enacting a minimum wage, to cut off the employment of the unpaid labor. (Page 508.)

Sweating, by EDWARD CADBURY *and* GEORGE SHANN. *Headley Bros., London, 1907.*

Large sums of money are spent yearly in charity and Poor Law relief, out of which these underpaid workers are subsidized. This is a fact known to all who have reflected on the matter at all and who have the slightest acquaintance with the life of the very poor. For example, Miss Irwin reports that "the returns of the inspectors of the poor show that many outworkers, who are in receipt of wages too small to support them though working full time, are helped from the rates. Moreover, although to an extent which it is impossible to ascertain, many of the outworkers on low wages are assisted by the churches and by charities. Here evidently part of the wages is paid by outsiders, and in such cases it has generally been recognized that there is no natural economic limit to the possible reduction of wages except the resources of the Poor Law authorities and the charitable. The cheapness of goods made in such circumstances is balanced by the increase in Poor Rates and in the demands on the benevolent." (Pages 58-59.)

Charity and poor-relief that is given to this class has little, if any, permanently good effect. It merely helps to perpetuate the evil conditions, and becomes a rate in aid of inadequate wages. The effect of charity is almost always demoralizing. When once it has been accepted the tendency is for the recipient to depend on it in the future. This is a great danger at the present time, and reformers realize that something more radical than charity is needed; that soup-kitchens and even doles by municipalities in the shape of rate-aided work, are not sufficient. We must start at the other end and recognize that any trade that does not pay a living wage to its workers is a parasite on the community. The

employer in such a trade obtains labor for which he does not pay in his wages bill, and so is enabled to compete unfairly with those trades in which better conditions prevail. He deteriorates the health, vigour, intelligence and character of his employees, and in so doing his trade is a parasite on the present and future of the nation.

It is because of this present cost of sweating to the nation that, even from the purely economic or money point of view, it behooves us to remove these evils from our midst no matter how drastic the required remedy may be. (Pages 64-65.)

As already pointed out wages are at or below subsistence level. Even when spent with the utmost efficiency and wisdom they do not suffice to keep the laborer and to produce an average supply of labor of the same grade. The laborer and his family have to be subsidized in many ways, or they remain ignorant and physically inefficient. As we pointed out in another place, in the worst sweated trades where the rate of wages is even below this customary rate, it always means that the worker is slowly deteriorated as a worker, or else is subsidized by poor law and charity, or, in the case of women, finds money in a way that is far more common than many people think. (Page 75.)

There is also direct competition in another way between low-paid and better-paid industries. A sweated trade is analogous to a bounty-fed industry, and therefore persists when, under free competition, it would have to give way. When a trade is built up by means of bounties paid by the Government, it is clear that, other things being equal, if the bounty were withdrawn some at least of the firms engaged in the trade would be unable to successfully carry on their business. But it is agreed by economists that such bounties do not increase the total amount of the trade of the country, for the money paid in bounties is withdrawn from other trades, which presumably work under more economic conditions. Any decline in the bounty-fed trade due to a withdrawal of the bounties must tend to a redistribution of capital in favor of the trades which are not subsidized.

And so it is in regard to sweated trades and their competition with other trades in which fair conditions prevail. The subsidized sweated trade has a distinct advantage in the market, and undoubtedly affects to their disadvantage those trades which work under conditions and restrictions imposed by trade unions and legislation. (Pages 88-89.)

Report of Conference on a Minimum Wage. National Anti-Sweating League. London, 1907.

It is obvious that the competition of the sweated branches of trades with those which are organized, and demand a standard rate, is disastrous. The existence of this mass of labor on which employers can fall back for the purpose of introducing competitors in a trade struggle is serious enough, but at all times the fact that the cheapest labor is in many instances doing practically the same work as the better paid and regulated is a constant menace to "wages." The direct effect of this competition in affected trades is the most obvious, but it must not be forgotten that its effect on the whole trade of a country is, though less obvious, quite as serious. The position occupied by the lowest strata of labor must affect the whole, and the fact that there are thousands of persons unable to obtain a remuneration sufficient for more than bare existence affects also the position of the most highly organized and skilled trades, such as the textile operatives, the miners, or the engineers.

From the chaotic mass springs evil in every form—hospitals and workhouses are recruited by the under-fed, overworked men and women; instances are given in H. M. Chief Inspector's report for 1895 of the deterioration in health of girl workers rendered unemployable by overwork; stunted, untrained children are turned into the labor market, and the overwork of women and the competition of children meets with its necessary corollary in the great army of the unemployed. (Pages 35-36.)

Report from the Select Committee on Home Work to House of Commons, London, 1908.

If "sweating" is understood to mean that work is paid for at a rate which, in the conditions under which many of the workers do it, yields to them an income which is quite insufficient to enable an adult person to obtain anything like proper food, clothing and house accommodation, there is no doubt that sweating does prevail extensively. . . .

The consequence is that, when those earnings are their sole source of income, the conditions under which they live are often not only crowded and unsanitary, but altogether pitiable and distressing, and we have evidence that many are compelled to have recourses to poor-law or charitable "relief." (Page 111.)

Is there any prospect that these people, with the aid of such voluntary and philanthropic assistance and co-operation as is, or would be, available, will materially improve their own condition, and, to any appreciable extent, extricate themselves from the

quagmire of endless toil and almost ceaseless misery in which some of them are involved? On the other hand, can legislation help them? Your committee are of the opinion that unless Parliament steps in and gives them the protection and support which legislation alone can supply, the prospects of any real and substantial improvement in their position and condition being brought about are very small and remote. We are further of the opinion that carefully considered legislation would aid them materially; and, that being so, we cannot doubt that it is desirable that an attempt should be made, and an experiment be tried. (Page XIII.)

If a trade will not yield such an income to average industrious workers engaged in it, it is a parasite industry, and it is contrary to the general well-being that it should continue. Experience, however, teaches that the usual result of legislation of the nature referred to is not to kill the industry, but to reform it. (Page XIV.)

Woman in Industry. Chapter 1, Regulation of Women's Work. GERTRUDE M. TUCKWELL. *Duckworth & Co., London, 1908.*

So the worst paid labor is assisted by a rate-in-aid of wages, and this vicious system of under-payment is kept alive and fostered by precarious Charities. (Page 12.)

There are thousands of depressed and apathetic. . . . Such workers form a danger to the State, which must suffer while our industrial structure rests on a basis of starving, struggling women and children. The principle on which our developing industrial legislation is based is one of State intervention where evil to the State is likely to arise. (Pages 17-18.)

State Regulation of Wages. EDWARD R. PEASE. *International Magazine, London, 1909.*

Many a trade is parasitic; it lives on other industries; its workers are not paid enough to keep body and soul together and of course far too little to bring up a new generation; earnings are supplemented by outdoor relief, or are mere pocket money to girls living at home; and those luckless ones who have no other resources are being slowly starved to death. (Page 99.)

The Prevention of Destitution. SIDNEY *and* BEATRICE WEBB. *Longmans, Green & Co., London, 1911.*

The Poor Law relief of the destitution caused by sweating acted as a sort of "bounty" to those trades and those employers not paying full subsistence wages, and led to a constant extension of the system. What was happening was an ousting of the self-supporting by the parasitic industries. "Whole branches of

manufacture," eloquently summed up the Poor Law Commissioners of 1834, "may thus follow the course, not of coal mines, or of streams, but of pauperism; may flourish like the fungi that spring from corruption, in consequence of the abuses which are ruining all the other interests of the places in which they are established, and cease to exist in the better administered districts, in consequence of that better administration." (Page 90, 22nd annual report of the Poor Law Board, 1869-70.)

"One of the most recognized principles in our Poor Law is, that relief should be given only to the actually destitute, and not in aid of wages. In the case of widows with families where it is often manifestly impossible that the earnings of the woman can support the family, the rule is frequently departed from, but, as a general principle, it lies at the root of the present system of relief. In innumerable cases its application appears to be harsh for the moment, and it might also be held to be an aggravation of an existing difficulty to insist that, so long as a person is in employment, and wages are earned, though such wages may be insufficient, the Poor Law authorities ought to hold aloof and refuse to supplement the receipts of the family, actually offering in preference to take upon themselves the entire cost of their maintenance. Still it is certain that no system could be more dangerous, both to the working classes and to the rate-payers, than to supplement insufficiency of wages by the expenditure of public money." (Page 262.)

The wage-earners have never yet objected to a general limitation of the hours of labor, or to the enforcement of a standard rate, so long as it did not entail ousting them from their means of subsistence. In fact, this whole conception of a joint responsibility to the individual and the community for the universal maintenance of a prescribed standard of civilized life, is extraordinarily sympathetic to the English manual working class, for the simple reason that the evil with which they are confronted in practical life, is not any over-regulation of their conduct and impulses, but the disaster of periodically being deprived of the opportunity of maintaining themselves and their children at any standard at all. (Pages 322-323.)

National Conference on the Prevention of Destitution. P. S. King & Son, London, 1912. Section Unemployment and Industrial Regulation. Mr. WALTER T. LAYTON—*Discussion.*

In his experience as a guardian of the poor, he was constantly meeting with revelations of low wages paid to women—widows and deserted wives, who had to support families, and they had in

many cases to subsidize these women. He remembered on one occasion at a relief committee meeting, a local Government Board inspector was present, and when they granted relief to a woman who earned about 10s a week and had several children to support the inspector told the committee that they were subsidizing low wages.

Wages. A. J. CARYLYLE, *D. litt. A. R. Mowbray & Co., London, 1912.*

. . . Owing to the complexity of the economic situation, the employer may pay a wage which is inadequate to the maintenance of the laborer, because the laborer is maintained from other sources. The evidence given to the select committee of the House of Commons on Home Work in 1908 made it clear that many women in the sweated trades were not living upon their earnings. We may ask, how can this be? In the first place, if we examine the industries of women we shall discover that in a great many places the women who are employed in these sweated trades are living with their families, so that the wages which they are getting are of the nature of a supplement to a family wage. But in many other cases the woman is dependent on her wages. What does actually then happen? Women in such cases are constantly receiving from the public at large, in one way or another, an immense amount of assistance of various kinds. In some cases the evidence given to the House of Commons Committee, to which we have already referred, showed that women of this kind were actually being partially maintained by the Poor Law. But no doubt the more normal result of sweated wages is this, that even if the worker does just manage to live at ordinary times on these wages, when anything happens, if the woman is ill, or work is slack, she is immediately thrown on the public, is dependent on the public, and is maintained by the public by means of the Poor Law or of charity.

Wages which are inadequate to the maintenance of the laborer are constantly supplemented in one way or another by the community. We can therefore see that the stupidity of the sweating employer does not actually represent the only reason why he pays these inadequate wages. The action of the employer arises also from this fact, that he is able to get wages paid by other people, that a considerable part of the maintenance of a sweated laborer comes out of the pockets of the community as a whole, either through the laborer's family, or from the public by way of Poor Law relief, or by way of charitable assistance. A considerable amount of the burden of maintaining the laborer can be, and

actually is, without any deliberate intention on the employer's part, thrown on to the community. (Pages 87-88.)

It is obvious enough that the laborer who has to have recourse to the community at large for assistance, by way of supplementing her wages, is almost certain to be living below the standard of such a reasonable condition of life as will normally make for efficiency. But still it is true that one fact which explains the action of the sweating employer is that he can transfer the burden of maintaining the laborer from his own shoulders to those of the community at large. (Page 89.)

The Economic Theory of a Legal Minimum Wage. SIDNEY WEBB. *The Journal of Political Economy, University of Chicago Press, December, 1912.*

When an employer, without imparting any adequate instruction in a skilled craft, gets his work done by boys and girls who live with their parents and work practically for pocket money, he is clearly receiving a subsidy or bounty, which gives his process an economic advantage over those worked by fully paid labor. . .

The employer of adult women is in the same case, where, as is usual, he pays them a wage insufficient to keep them in full efficiency, irrespective of what they receive from their parents, husbands, or lovers. In all these instances the efficiency of the services rendered by the young persons or women is being kept up out of the earnings of some other class. These trades are therefore as clearly receiving a subsidy as if the workers in them were being given a "rate in aid of wages." The employer of partially subsidized woman or child labor gains actually a double advantage over the self-supporting trades; he gets, without cost to himself, the extra energy due to the extra food for which his wages do not pay, and he abstracts—possibly from the workers at a rival process, or in a competing industry—some of the income which might have increased the energy put into the other trade. (Page 15.)

The Case for the National Minimum. Printed for the National Committee for the Prevention of Destitution. London, 1913.

Any industry which is so comparatively unproductive that it cannot afford a living wage to all who are engaged in it must be socially parasitic and had much better cease to exist. But many industries which are today parasitic in this sense are quite capable of becoming self-supporting trades if the spur of progress is firmly but gradually applied. (Page 12.)

The Living Wage. PHILIP SNOWDEN, M. P. *Hodder & Stoughton, London, 1913.*

The expense of maintaining these people, and the loss of their usefulness and wealth-producing power can only be vaguely imagined, but it is many millions of the very many millions which low wages cost the community every year.

The fifteen millions a year which is spent upon the maintenance of paupers represents only a part of the sum which is drained for the support of the victims of low wages. The maintenance of hospitals and private charitable institutions for the relief of the poor is said to cost as much as the expenditure through the Poor Law. Private help is extensively and generously given to assist distress, and this is only a subsidy of low wages. (Pages 53-54.)

The community does not gain by keeping any section of its people on low wages. There is a social economy in good living conditions, as there is an industrial economy in good industrial conditions.

By good wages, and by an education which will teach people to spend their wages wisely and well, every problem which is troubling social reformers and the consciences of the sympathetic now, would be made far more easy of treatment. (Page 54.)

Sweated Labour and the Trade Boards Act. Catholic Studies in Social Reform—Manual II, Edited by the Rev. THOMAS *Wright. P. S. King & Son, London, 1913.*

Thousands of families can and do subsist, in apparent comfort, on much less than the wage suggested above. They do, but at what ultimate cost to the nation in infant mortality, in impaired efficiency, in diminished power of resistance to disease, in desperate resort to bodily pleasures, in crime, and finally in pauperism, is but partly shown by the national expenditure on the Poor Law, the prisons, the reformatories, the hospitals and the asylums, and by the statistics of child mortality, of illegitimacy and of drunkenness. The payment of less than a living wage is, even from a merely commercial point of view, too costly in the long run to the nation that permits it. (Pages 39-40.)

Though the Trade Boards Act is a legislative experiment, it marks a noteworthy growth in our laws for the betterment of the conditions of labour. (Page 46.)

By securing a minimum wage, it aspires to raise from that moral degradation no less than to stay the physical deterioration into which many oppressed victims of our labour system have fallen, and thus it tends to remedy evils with which the Factory Acts have been unable to cope. (Page 46.)

The methods of subsidizing parasitic trades are two—the supplementing of the incomes of the workers from some source outside the trade in which they are employed, and the using up of the vital energy of the workers by forcing them to live and work upon a wage which is insufficient to afford them the means of living in normal health. Of these two the latter is by far the more injurious, whether viewed from the physical or the moral standpoint. (Page 52.)

The second form of parasitism is by far the more noxious. It is the case of trades in which workers do not draw any portion of their incomes from outside sources, but continue in a state of abject poverty and misery as long as their energy and stamina last and then sink beneath the burden for their places to be taken by others. This is nothing less than subsidizing the trade at the expense of the health and lives of the workers. Under this system the health, physique, intelligence and moral character of the workers deteriorate. The vital energy of the whole community is being slowly but surely drained away. (Page 53.)

(5) UNDERPAYMENT THE ROOT OF POVERTY.

Authorities agree in the opinion that low wages are the root factor in poverty and in the consequent lowering of the standards of living.

Wage Earners' Budgets. A Study of Standard and Cost of Living in New York City. LOUISE B. MORE. *Henry Holt & Co., New York, 1907.*

From an economic standpoint, however, the amount of income is the most important factor in determining the standard of comfort attainable in an average workingman's family. (Page 270.)

Homestead: The Household of a Mill Town. MARGARET F. BYINGTON. *Russell Sage Foundation Publication, New York, 1910.*

As a permanent basis for American life, we must look to a larger budget. (Page 182.)

Proposed Minimum Wage Law for Wisconsin. Prepared under the direction of JOHN R. COMMONS, *Wisconsin Consumers' League.* KATHERINE LENROOT. *Madison, 1911.*

All the protection afforded to the laborer as debtor, creditor, wage-earner, and wage-bargainer in the matter of hours of labor, sanitation, and methods of payment do not avail unless he receives wages sufficient to maintain himself and those dependent upon him in the necessary comforts of life. This is partly the result

of new burdens on labor on account of compulsory education, housing and sanitation, pure food laws, industrial accidents, etc. The cost of living to the laborer has been greatly increased by these measures. (Page 17.)

Poverty—A Study of Town Life. B. S. ROWNTREE. *Macmillan & Co., London, 1901.*

Particulars were obtained regarding 11,560 families. (Page 26.)

On analyzing the cases of "primary" poverty in York, we find that they are immediately due to:

No. of Households Affected.	Immediate Causes of Primary Poverty.	Percent of Total Population Living under Primary Poverty Line.
38	Chief wage earner out of work	2.31
51	Irregularity of work	2.83
640	In regular work but at low wages	51.96

(Page 120.)

Report from the Select Committee on Home Work to House of Commons. London, 1908.

It is doubtful whether there is any more important condition of individual and general well-being than the possibility of obtaining an income sufficient to enable those who earn it to secure, at any rate, the necessaries of life. (Page XIV.)

Women in Industry from Seven Points of View. Duckworth & Co., London, 1908. Legislative Proposals. CLEMENTINA BLACK.

Underpayment, indeed, is the root of the whole industrial problem. It is really a more pressing and vital question than that of unemployment. We could succeed in grappling with the really unemployed if we were not embarassed by the half-employed and the inadequately paid. . . The cause is not in the least mysterious. Underpayment is a direct and quite inevitable result of unrestricted competition in the buying and selling of labour. Wherever that unrestricted competition prevails, the ultimate price of any industrial process comes to be the lowest rate at which any worker will consent to perform that process. Whenever all workers are receiving a higher rate, it is because competition has somewhere and somehow been arrested in its course. (Pages 190-191.)

State Regulation of Wages. EDW. R. PEASE. *International Magazine, London, 1909.*

The demand for state regulation of wages is based on the somewhat obvious truth that the best way to mitigate the evils produced by poverty, which all deplore and all desire to remedy, is to prevent poverty. The poor are poor because they are paid low wages for their work, and the squalor of their lives, their insufficient food

and abominable clothing, the excessive mortality of their infants, the diseases and dirt of their children, are all due, primarily, secondarily, and simply to their poverty—that is, their insufficient wages. (Page 96.)

The Women's Industrial News. London, July, 1912. Women's Wages. DOROTHY ZIMMERN.

A very considerable proportion of our women, and by far the greater number of our working women, pass through wage-earning occupations between the ages of 14 to 20 or 25. Now this period is a very critical one for their development in every direction, and lays a permanent foundation of good or ill in the future; therefore, the amount of money which is at the disposal of girls at this time of their lives for the satisfaction not only of their physical, but also of their intellectual and moral needs, is of the utmost importance to their own well-being and to that of the next generation, and is worthy of the most careful consideration. (Page-49.)

National Conference on the Prevention of Destitution, 1912. Section—Unemployment and Industrial Regulation. Miss CONSTANCE SMITH.

Those who had most strenuously supported industrial regulation had long felt, she believed, that industrial regulation must go forward to secure a legal minimum subsistence because it was the attainment of a living wage which lay at the root of our future industrial well-being. (Page 401.)

The Work of the Trade Boards. J. J. MALON.

It is unnecessary to show the ultimate dependence of social reform upon the reasonable remuneration of the worker. Except insofar as they raise the wages of the very poor, schemes of public improvement are destined to fail, and justice and expediency are alike served by their failure. We are driven, therefore, necessarily to consider the question of low wages. (Page 402.)

Sweated Labour and the Trade Boards Act. Catholic Studies in Social Reform—Manual II, Edited by the Rev. THOMAS WRIGHT. *P. S. King & Son, London, 1913.*

The question of sweating is a question of wages, and to trouble about an amelioration of sanitary conditions and excessive hours of work so long as the wage question remained unanswered is akin

to worrying about the trimming of the beard when the face of society is bruised and gashed. (Page 12.)

The Case for the National Minimum. Printed for the National Committee for the Prevention of Destitution. London, 1913.

THE LEGAL MINIMUM WAGE.

The problem of wages is the most live and important issue in social politics today. Old Age Pensions, Labor Exchanges, State Assistance for the Sick and Unemployed, Housing Schemes, School Feeding, and other forms of provision for special sections of the wage-earning class are desirable, even imperative, but the *root factor in destitution is the factor of low wages*, and until that is dealt with no substantial improvement in social conditions can be expected. In every department of social progress, public health, housing, education, and child nurture, the path of immediate advancement is found to be blocked by the prevalence of low wages. (Page 1.)

The Living Wage. PHILIP SNOWDEN, M. P. *Hodder & Stoughton, London, 1913.*

The cost to the individual and to the community of the poverty which is caused by inadequate wages cannot be estimated. We pay for it in infantile deaths, in the crippled and damaged bodies of the children who survive, in the inadequate return we get from the expenditure on education, in the creation of unemployables, in sickness and loss of work, in consumption and other diseases, in pauperism, in the cost of public and charitable institutions for the support of the sick, the poor, and the insane, and in the incalculable loss of industrial and mental efficiency. (Page 49.)

II. BENEFITS OF AN ADEQUATE WAGE

(1) BENEFITS TO EFFICIENCY AND PRODUCTION.

The establishment of a legal minimum wage has been found an important incentive to increasing efficiency on the part of both employers and employees. It stimulates the employer to reduce costs by improvements in organization and new inventions, and also to develop and to keep the most efficient workers. On the other hand, the establishment of the legal minimum wage stimulates the workers to prove themselves the most efficient.

A.—*On the Part of Employers.*

Work and Wages. Sir THOMAS BRASSEY. *G. P. Putman's Sons. New York, 1888.*

High wages do not necessarily imply dear labor, just as, on the other hand, low wages do not, of necessity, make labor cheap. (Pages 74-75.)

Doubtless the dearness of labor in England has stimulated inventive genius and administrative skill. (Page 13.)

Or again, when the superior qualities of the operatives do not fully make up for the difference in wages, the high price of labor will generally lead to the use of labor-saving machinery, which would not have been adopted had labor been cheap. (Page 76.)

State Arbitration and the Minimum Wage in Australia. H. W. MACROSTY. *Pol. Science Quarterly, V. 18, Boston, 1903.*

The protection which the acts in Victoria have been to the workers is seen in the case of dungaree trousers, where the price paid by the wholesale houses to the manufacturers fell from 13s per dozen before 1897 to 7s 6d in 1899. Under free competition this loss would have fallen entirely on the workers; under the acts the manufacturers recoup themselves by better organization and improved methods, and where they raise the price to the warehouses the latter still retain an ample margin of profit without raising prices to the consumer. In the underclothing trade, that special home of sweating, it is worth noting that the lady factory inspector reports that the home workers as well as the factory workers have "greatly benefitted" by the act. (Page 132.)

The New Industrial Day. A Book for Men Who Employ Men. WM. C. REDFIELD. *Century Co., New York, 1912.*

The industrial manager of today must take a different attitude

toward labor from that which has been common in the past. The day when the largest output was asked for the smallest wage is passing, not to return, for that theory of production is being proved false and expensive. It has been coincident with such waste in other ways, and provocative of such expense in many forms, that with increasing knowledge it has been outgrown and is being discarded.

The keen and careful manager of a modern plant will rather follow the law of the greatest output and the greatest wage. His thought will go to the reduction of his burden charges, to removing the cost for repairs, to keeping his producing machines moving through the largest possible percentage of the working day, to stopping the production of "seconds," to providing the uninterrupted flow of material, to cutting out the waste of time and effort; and in these productive ways he will find his time so profitably occupied that the payroll may be forgotten, save that he will, to the extent that he is wise, see that it is commensurate with the productiveness of his operatives. We may even hope that ere long he will come to say with true pride: "We pay the largest wages, and we have, therefore, the lowest labor cost." (Pages 39-40.)

He will not crowd the soul and life out of his workmen, but will recognize that their prosperity and his are bound in one, and that if his product is to be brought low in cost it must be by furnishing them the very best tools and equipment and the most favorable working conditions; because only when that is done and liberal pay with continuous employment is added to it can one get that self-discipline enforced which is the life of a high-grade modern shop. No watchfulness of foreman or superintendent and no pressure from above can take the place of the willing brain, added to the zealous hand of a happy, well-paid, well-placed, well-equipped, and contented workman. Physical or nervous overstrain is unprofitable in the shop or mill, as well as in the office. So, side by side, with a broad outlook into the world, must go a broad outlook into his own shop. Such a manufacturer will look closely and ceaselessly at his rate and quality of product, and at its sure and steady flow. He will watch his wastes and his unproductive expenses, but the last thing that will worry him will be the rate of wage. If his goods come out with few or no seconds, if his ratio of repairs and "returns" is small, if his waste of time and material is kept to a low limit, if his shop is well balanced, if the spirit in his works is that of earnest, steady, quiet enthusiasm, if he is a leader to his men and not a tyrant over them, he will be content if his men earn high wages for his cost sheets will be right. (Pages 58-59.)

We must learn that efficiency means three things that always

go together and can not be separated: the increase in our output and its improved quality, the increase in what we pay our workers, and, because of these, the decrease both in the direct and indirect cost of what we make. (Pages 71-72.)

We must deal with inefficient labor by teaching it and by paying it enough to stimulate it into efficiency. (Page 74.)

Now, however, that scientific manufacturing as a profession has begun and is growing, the fact is found that we can and often do produce as cheaply here as abroad, not in spite of, but because of, the higher rates of wages here, which are but a partial measurement of the higher efficiency and character of the American workman and of the fine equipment put at his disposal. (Page 132.)

Not long ago the superintendent of a Southern cotton mill said to his employer: "I cut down our labor cost last month."

"Did you reduce the wages?" he was asked.

"No. I raised them but I got more done."

During the progress of a railway construction contract in Virginia, the negro laborers were paid more than was usual in such work, and care was given to providing them with the right tool at the right time and they were well fed and housed. Not only did the contractor find discipline easy to enforce, but his work went faster than he had expected and cost less. (Page 133.)

Report of the Massachusetts Commission on Minimum Wage Boards. January, 1912. No. 1697.

It is the opinion of this commission, however, that in all these industries the wage scales will stand a readjustment of rates that will raise the lowest wages to something nearer the living wage, and that such changes will result in a proper demand for more efficiency in the labor, which will be met not only by giving preference to the better class of laborers, but by making the same women more serviceable because of more adequate living conditions. (Page 24.)

If it is true that in some cases where time rates alone prevail employers are purposely employing less competent women at lower wages rather than more competent women at higher rates, the latter will certainly be engaged if the minimum wage is raised, and the less competent will be forced into other employments or will fail to secure any employment whatever. Even if this result should occur, the commission holds that it is better for society to meet this responsibility than to allow the far greater burden of underpayment to fall on the large number of employees who are now suffering. The duty of making our young women more efficient

is one already recognized by our educational boards, as is evidenced in the important movements in industrial education. (Page 25.)

Three employers interviewed stated that they have established in their factories, on their own initiative, a minimum wage, and this in the face of their competitors, who are paying the lowest wage they can. They all lay great stress on the added efficiency of the work, the advantage of permanency in the working force and the increased *esprit de corps*. These men have given constructive consideration to their labor problem. (Page 61.)

It (the legal minimum wage) would stimulate employers to develop the capacity and efficiency of the less competent workers in order that the wages might not be incommensurate with the services rendered.

It would accordingly tend to induce employers to keep together their trained workers and to avoid so far as possible seasonal fluctuations. (Page 25.)

The Theory of the Minimum Wage. H. R. SEAGER. *New York, American Labor Legislation Review, February, 1913.*

Improvements in shop organization and machinery might be expected soon to bring the expense of production down to the old level, as employers would be forced to concentrate their thought on these details, since they would no longer be permitted to reduce expenses by beating down the pay of home workers. (Page 86.)

Since some department store managers already pay living wages, as a matter of principle, to all of their employees, it is clear that all who deserve to survive in competition might do so. The first effects of such a policy would be a more rigid selection of employees from the larger number of applicants for work and a reduction of the working force, since the higher average of ability would enable a smaller number to do the work formerly performed by a larger number. In all probability, the better paid smaller force would prove nearly as economical to the management as the underpaid larger force which it would displace, so that the prices asked for goods would be little, if at all, affected by the change. Finally, the deflection of some would-be shopgirls to other employments would probably have little or no effect on wages in those employments, because the total number thrown out of employment in any city would be small and their competition would be spread over the whole remaining field of woman's work. (Page 86.)

A Minimum Wage for Workers. H. LA RUE BROWN, *Chairman of Massachusetts Minimum Wage Commission.* MRS. GLENDOWER EVANS, *Member First Massachusetts Minimum Wage Commission. City Club Bulletin of Philadelphia, Jan. 27, 1913.*

If employers can so organize their business that work is con-

tinuous through the year, the efficiency of the labor is thereby increased and the well-being of the worker is increased in due proportion. Minimum wage requirements may well work out in that way. For if workers must be paid more, it becomes necessary to develop their skill to make them worth their added cost, and workers whom an employer has taken the trouble to train, it is worth his while to hold. Most striking and most lamentable in ill-paid labor is the way it shifts from establishment to establishment and often from trade to trade, with weeks or months of idleness between one and another job. Thus a low wage is both a cause and a result of low efficiency. In England, already, I am told that wage boards have doubled the wage of some of the lowest-paid workers, and employers find that they amply earn their increased price. (Page 205.)

We would not have to have an enforced monopoly in order to have the minimum wage, for the reason that if the manufacturers are forced to live up to a certain minimum, then it becomes a question of still better organizing their production. No man is going to stay in a business if he cannot make his expenses. In other words, if everyone is compelled to live up to a minimum wage competitive conditions continue. (Mr. Raymond W. Crauch, page 210.)

Contemporary Review. A Living Wage—WILLIAM CUNNINGHAM, *Vol. 65, pp. 16-28. London, 1894.*

There is one important point, however, on which it is necessary to insist: the really important thing is the maintenance of a standard of comfort—and of real wages. It is only in this sense that high wages promote efficiency.

The conviction that abundant remuneration and efficient work are correlative is so firmly held by the great mass of intelligent English employers as to give the proposition an axiomatic character. Lancashire cotton manufacturers, for example, rejoice in, and are proud of, the high earnings of their work people, and in every town there is a certain spirit of emulation among them in the endeavour, by the provision of good machinery and good material, to place their establishments in the front rank as places where the weekly wages stand highest. This principle that abundant earnings and industrial success go together, has been learned by experience, by observation, and by the interchange of idea which is always going on in every department of trade. Manchester Chamber of Commerce Record, page 19.

Economic Theory and Proposal for a Legal Minimum Wage. LEES SMITH. *Economic Journal, London, 1907.*

In the long run, what will be the effect on the demand for the more highly skilled labor? We have to take into account the "Law of Substitution." When the same results can be obtained by different methods, the methods most likely to survive are those which are most efficient in proportion to their cost. It seems probable, therefore, that an increase in the cost of the less skilled labor will stimulate the use of machinery and of more highly skilled labor.

We will follow out later the results of the increase in the demand for machinery. At present we are only concerned to point out that the increased demand for the more highly skilled labor will tend to raise and not to lower its wages. There is, therefore, no reason to suppose that any rise in the wages of those who may benefit from a minimum wage is likely to come from the wages of those more highly paid. (Page 505.)

Report of Conference on a Minimum Wage. National Anti-Sweating League. London, 1907.

What about those trades exposed to the full force of cut-throat competition where profits are pared down to a minimum, and the employer earns a small, precarious livelihood? Does a rise of wages necessarily cause a rise of prices and a shrinkage of trade and of employment here? On this point one may legitimately appeal to the general tenor of labor legislation in this country, the Factory and Workshops Acts, Public Health, Employers' Liability, and other laws, all of which have had as one of their economic consequences a tendency to raise the cost of production in the trades with which they are concerned.

The unenlightened employers who have opposed these measures persistently asserted that the new restrictions or expenses imposed upon their business would destroy their profits, cripple their competition with foreigners and close their mills. The laws were passed, the burdens were imposed, no such disaster as was predicted actually occurred. Why not? Well, partly because the improved safety and sanitation, the shorter hours, and other betterment in the condition of the employes raised the efficiency of labor, but partly also because the fear of reduced profits operated upon the employers as a stimulus to improved economy in the conduct of their business. A rise in the wage-bill or in other expenses led to the invention or adoption of improved machinery, the utilization of hitherto wasted products, or other improvements either in the technique or in the administration of the business. A trade depend-

ent for its economy upon abundance of cheap, low-grade labor is notoriously an unprogressive trade; an enforced rise of wages will commonly be a spur to progress. (Page 55.)

Report from the Select Committee on Home Work to House of Commons. London, 1908.

Low-priced labour is a great obstacle to improvement. It discourages invention, and removes or prevents the growth of a great stimulus to progress and efficiency. The direct and early result of prohibiting unsatisfactory conditions in industrial life is almost invariably to direct the attention of the most competent minds in and about the trade to the production and introduction of such improvements in machinery, methods and processes as will enable the industry to continue under greatly improved conditions, and be carried on with greater success than before. In our judgment there is no reason to doubt that similar beneficial results to all concerned—employers, workpeople, and the general public—to those which have followed the establishing of minimum conditions of other kinds in various departments of industrial life, would follow the establishing by law of minimum rates of payment for such classes of workers as experience has shown are unable to secure for themselves rates of payment for work which may reasonably be regarded as even the lowest upon which an average worker can exist. (Page XIV.)

National Conference on the Prevention of Destitution. P. S. King & Son, London, 1912. Section—Unemployment and Industrial Regulation.

Mr. Sidney Webb:

Many people thought that an increase in price must follow a rise in wages. Well, in Melbourne the trade boards had raised wages, sometimes by 50% and 70% beyond what the women had been getting before, and he had satisfied himself that there was no increase in the price of the furnished article at all as a consequence of the rise in prices. Yet the employers were not bankrupt. The explanation was that when the higher wages had to be paid the industry was carried on in a more efficient way than when the employer paid low wages. For the increased wages they paid they saw to it that they got more efficient work. Thus the labor was not more expensive to the employer, although the workers received more. (Page 425.)

The Practical Case for a Legal Minimum Wage, by R. C. K. Ensor. *Nineteenth Century, London, 1912.*

Let no one suppose that in these cases, or in cases where excessively low wages affect a trade, the appeal for state intervention is an appeal solely for the unemployed against the employer. Largely it is an appeal for the good employer against the bad. Many an employer, whose low-wage rates are an injury to the community, knows and deplores it, but is helpless in the grip of competition. (Page 272.)

On the side of trade efficiency, it seems certain that the prohibition of the worst underpayment has stimulated manufacturers to overhaul their workshops, improve plant and remove waste. In trades where underpayment has been pronounced, there is usually much room for this: for the inefficiency of the cheap underpaid workers almost inevitably reacts on the management. (Pages 273-274.)

The Economic Theory of a Legal Minimum Wage. Sidney Webb. *The Journal of Political Economy, University of Chicago Press, December, 1912.*

Let us, therefore, consider the probable effects of a legal minimum wage upon the brain workers, including under this term all who are concerned in the direction of industry. Here the actual experience of the Factory Acts and of strong trade unionism is very instructive. When all the employers in a trade find themselves precluded, by the existence of Common Rule, from worsening the conditions of employment—when, for instance, they are legally prohibited from crowding more operatives into their mills or keeping them at work for longer hours, or when they find it impossible, owing to a strictly enforced piecework list, to nibble at wages—they are driven in their competitive struggle with each other, to seek advantage in other ways. We arrive, therefore, at the unexpected result that the enforcement of definite minimum conditions of employment as compared with a state of absolute freedom to the employer to do as he likes, positively stimulates the invention and adoption of new processes of manufacture. This is no new paradox, but has been repeatedly remarked by the opponents of trade unionism. Thus Babbage, in 1832, described in detail how the invention and adoption of new methods of forging and welding gun-barrels was directly caused by the combined insistence on better conditions of employment by all the workmen engaged in the old process. (Page 10.)

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. . . Coming down to our own day, I have myself had the experience of being conducted over a huge steel works in Scotland by the late Sir Charles Tennant, one of the ablest and most successful of our captains of industry, and being shown one improvement after another, which had been devised and adopted expressly because the workmen engaged at the old processes had, through their powerful trade union, enforced a definite minimum standard wage. (Pages 11-12.)

The enforcement of the Common Rule on all establishments concentrates the pressure of competition on the brains of the employers, and keeps them always on the stretch. "Mankind," says Emerson, "is as lazy as it dares to be," and so long as an employer can meet the pressure of the wholesale trader, or of foreign competition, by nibbling at wages, or "cribbing time," he is not likely to undertake the "intolerable toil of thought" that would be required to discover a genuine improvement in the productive process, or even, as Babbage candidly admits, to introduce improvements that have already been invented. Hence the mere existence of a legal minimum wage, by debarring the hardpressed employer from the most obvious form of relief—one which is of no advantage to the community—positively drives him to other means of lowering the costs of production, which almost inevitably take the form of increasing productivity. (Page 12.)

The Case for the National Minimum. Printed for the National Committee for the Prevention of Destitution. London, 1913.

The verdict of the Economists is equally clear and emphatic. "Cheap labor" they no longer regard as a blessing, but rather as a curse to an industrial community. Low wages mean low efficiency and low consuming power. The recognized economic advantages of maintaining a high standard wage are:

1. That it increases the efficiency of the workers by giving them a higher standard of living; and

2. That by preventing economies in wages it forces the competitive struggle on to a higher plane, the plane of efficiency.

. . . High wages, by leading to improved machinery and more efficient organization, are in the long run the truest form of economy. (Page 4.)

The Economic Journal, September, 1913, London. The Trades Board Act at Work. S. C. MOORE.

Owing to the higher wages now being paid to the men, greater efforts are made to keep them fully employed, with the result that there is less playing between jobs, and that the women's work is therefore more regular. Whether there has been increased strain or any other result of that kind cannot yet be determined. But so far shorter hours appear to be clear gain to both men and women. It would appear also to have been beneficial to employers, for if there has been no decrease in output they will have saved on power and lighting. (Page 444.)

The Living Wage. PHILIP SNOWDEN, M. P. *Hodder & Stoughton, London, 1913.*

Wages in the mechanical trades are probably higher in the United States than in any other country, but the cost of labor is lower than elsewhere, because of its greater output. Necessity is the mother of invention. If the employer has to face an increase of wages, he sets his wits to work to effect economy. The high wages paid in America have forced the progress in machinery to the highest point. Human labor is often employed today because it can be had at a low price, which is considered to be a saving on the adoption of mechanical processes. But if the employers were obliged to pay higher wages, they would be compelled to adopt labor-saving devices. In turn, these machines can only be economically worked by labor which is intelligent and alert. Where wages are high there is economy of organization. (Page 146.)

Report of the Chief Inspector of Factories of Victoria, 1897.
Mr. Hall (Metropolitan District) reports:

In the boot trade a large increase in the amount of labor-saving machinery is taking place in anticipation of the coming into operation of the determination of the Boot Board, and this may be expected to have the effect of decreasing the number of workmen employed in the trade, and will leave to the manufacturers the choice of the best and fastest men for the wages fixed upon. (Page 9.)

Report of Chief Inspector of Factories of Victoria, 1901.

Mr. Duff reports:

In several of the largest factories under this heading the very latest labor-saving machinery for making pastry has been introduced, which appears to do the work cleanly and well.

A very marked improvement has taken place since the Determination came into operation.

B. *On the Part of the Workers.*

Work and Wages. Sir THOMAS BRASSEY. *G. P. Putman's Sons, New York, 1883.*

With proper supervision, and with an equitable scheme of prices for piece work, the best paid workman does more work for a given sum of money than the underpaid and therefore underfed laborer can by any possibility accomplish. The cost of labor, rightly observes Mr. Fawcett, "is determined by the amount of work which is really done for the wages. Many of our laborers can barely obtain the necessaries of life; and we can all appreciate the false economy that would be practiced, if a horse was so much stinted of food that he could only do half as much work as he would be able to perform if he were properly fed." (Page 74.)

The Wealth of Nations. ADAM SMITH. *Edited by Edwin Cannon. G. P. Putman's Sons, New York, 1904.*

No society can surely be flourishing and happy, of which the far greater part of the members are poor and miserable. It is but equity, besides, that they who feed, clothe and lodge the whole body of the people, should have such a share of the produce of their own labor as to be themselves tolerably well fed, clothed and lodged. (Page 80.)

The wages of labor are the encouragement of industry which, like every other human quality, improves in proportion to the encouragement it receives. A plentiful subsistence increases the bodily strength of the laborer, and the comfortable hope of bettering his condition, and of ending his days perhaps in ease and plenty, animates him to exert that strength to the utmost. Where wages are high, accordingly, we shall always find the workman more active, diligent, and expeditious, than where they are low; in England, for example, than in Scotland; in the neighborhood of great towns, than in remote country places. (Page 83.)

Sweated Industry and the Minimum Wage, by CLEMENTINA BLACK. *Duckworth & Co., London, 1907.*

The whole teaching of modern industry is that cheap labor is dear labor, and that it is as important for successful competition to have a well equipped human instrument as to have well equipped machinery. (Page XIX.)

The cotton trade has had enormous success not because labor is cheap but because labor is dear—and good; because the human machine being kept at the highest point of perfection is the most productive instrument of its kind in the world. It has succeeded, above all, because the standard wage has removed the competition of low-class, sweated labor, which is not only iniquitious in itself, but which has the effect of depreciating the whole currency of industry. (Page XX.)

Wherever sweating has been eliminated by the regulation of wages, the health of the trade is established. (Page XXI.)

. . . The facts of industrial history proclaim the truth that efficiency is not the cause but the product of fair wages, healthy surroundings and reasonable leisure. (Pages 226-227.)

. . . That nation becomes wealthiest which pays its workers best. Health, skill, intelligence: these are the true bulwarks of national prosperity; and the price of these is liberal payment for labor. (Page 269.)

Sweating, by EDWARD CADBURY *and* GEORGE SHANN. *Headley Bros., London, 1907.*

The relation between low wages and inefficiency has to be noted. Many workers are slow and dull because of indifferent health due to insufficient food, long hours of work and insanitary surroundings. Thus so far as higher wages allowed better feeding and more healthful surroundings, so would the efficiency of the workers increase. Then many who are slow and apathetic because of the monotony and demoralizing conditions of their work, would respond to the stimulus offered by the alternative of working harder for better wages or of being unemployed. (Page 126.)

Report to the Secretary for the Home Department on the Wages Boards and Industrial Conciliation Acts of Australia and New Zealand. Ernest Aves, London, 1908.

In the tanning trade, where the introduction of machinery has weakened the position of the individual worker, my attention, for instance, is already drawn by a representative of the employees to

the "steadying effect on employees" and the better workmanship that tends to follow on an enforced minimum. The evidence from employers, although it does not support, does not controvert this opinion so far as this trade is concerned, and ultimately it is such an effect that must tend to follow from the imposition of a legal rate, or, it may safely be asserted, the rate will not, and cannot, persist. (Page 53.)

The Economic Theory of a Legal Minimum Wage, by SIDNEY WEBB. *The Journal of Political Economy, University of Chicago Press, December, 1912.*

If the employer cannot go below a common minimum rate, and is unable to grade the other conditions of employment down to the level of the lowest and most necessitous wage-earner in his establishment, he is economically impelled to do his utmost to raise the level of efficiency of his workers, so as to get the best possible return for the fixed conditions.

. . . It is clear that the aggregate efficiency of the nation's industry is promoted by every situation being filled by the best available candidate. If the old man is engaged instead of the man in the prime of life, because he can be hired at a lower rate, the man of irregular habits rather than the steady worker, because the former is prepared to take smaller wages, there is a clear loss all round. From the point of view of the economist, concerned to secure the highest efficiency of the national industry, it must be counted to the credit of the Legal Minimum Wage that it compels the employer, in his choice of men to fill vacancies, seeing that he cannot get a "cheap hand," for the price that he has to pay, to be always striving to exact greater strength and skill, a higher standard of sobriety and regular attendance, and a superior capacity for responsibility and initiative. This is exactly what has happened in Victoria under the Minimum Wage Law, as it has happened in Great Britain where a definitely fixed minimum has been substituted for the irregular competitive rates. (Page 8.)

The fact that the employer's mind—no longer able to seek profit by "nibbling" at wages—is constantly intent on getting the best possible workmen, silently and imperceptibly reacts on the wage-earners. The young workman, knowing that he cannot secure a preference for employment by offering to put up with worse conditions than the standard, seeks to commend himself by a good character, technical skill, and general intelligence. Under a Legal Minimum Wage there is secured what under perfectly

free competition is not secured, not only a constant selection of the most efficient, but also a positive stimulus to the whole class to become more and more efficient. (Pages 8-9.)

Thus, the probable effect of a Legal Minimum Wage on the organization of industry, like its effect on the manual laborer and the brain working manager or entrepreneur, is all in the direction of increasing efficiency. Its effect on the personal character of the operative is in the right direction. It in no way abolishes competition or lessens its intensity. What it does is perpetually to stimulate the selection, for the nation's business, of the most efficient workmen, the best equipped employers, and the most advantageous forms of industry. (Page 13.)

Wages. A. J. CARLYLE. *A. R. Mowbray & Co., London, 1912.*

First of all, Adam Smith draws atention to the fact that even if you consider the laborer merely from the point of view of his physical or animal powers, the efficiency of the laborer will depend upon the question whether his wages are sufficient to make him physically efficient. . . . Adam Smith means that the under-payment and the consequent under-feeding, under-clothing, and under-housing, of the laborer must, in the nature of things, result in an inefficient laborer; because human labor, like any other form of animal labor, has a definite physical basis; you can no more expect good work from under-paid human labor than you can expect good work from an under-fed animal. (Page 29,)

In the second place, Adam Smith points out not only that the efficiency of the laborer is determined by the actual amount of physical maintenance with which he is provided, but also that the energy of the laborer may be stimulated by high wages and discouraged by low wages. (Page 29.)

. . . The wage which is economically most advantageous is that wage which tends to enable the laborer to be most efficient.

. . . A wage which does not enable him to be efficient, and does not stimulate his energies, is normally not economically advantageous. (Page 75.)

It is clear that from the standpoint of the economic interest of the community it is of the first importance to establish some minimum standard of wages, and it is clear that the free play of economic forces has in a large measure failed to secure this. It is also clear that by means of combination the wage-earners have been in many cases enabled to maintain such a standard, but that their power has its limits. There does not seem to be any reason why the community should not come in when voluntary action has

failed. The economic justification of a minimum standard wage, determined either by voluntary or by legal machinery, rests upon the principle that such a minimum standard is related to the efficiency of labor. Any serious examination of the economic theory of wages leads us, and must lead us, to the conclusion that the amount of wages which are economically profitable in a trade is related to the efficiency of the laborer; that position, I think, is not capable of being seriously questioned. Human labor, like other forms of labor, can only be efficient on the basis of sufficient maintenance. It is of the very highest importance for the productive capacity of any country, or of any civilization, that by some means or another wages should be adjusted to this minimum standard which is related to efficiency.

This is the economic foundation of every attempt to establish better wages; this is the foundation of the economic possibility of the success of any attempt to determine wages by combination; this also is the basis of any attempt on the part of the community as a whole to secure such a standard. (Pages 124-125.)

The Living Wage. PHILIP SNOWDEN, M. P. *Hodder & Stoughton, London, 1913.*

The enforcement of a living wage will not abolish competition for employment; but it will raise the character of the competition. The employer would not be able to get a man below the living wage, and he would therefore be anxious to secure the man who would at least earn that wage. The legal living wage would discourage among workmen every habit which was likely to lower their industrial efficiency. It would increase sobriety, technical skill, and general intelligence. Every workman would aim at being his best, knowing that he could not obtain employment by offering to accept low wages and to submit to bad conditions. The unemployed and unemployable problems are not to be solved by the establishment of a living wage; but the living wage would make these questions easier to solve. (Pages 147-8.)

. . . By the payment of a wage which aggravates the causes of inefficiency, a wage which will not allow the individual to keep up his health and strength, we are doing an inhuman thing, and one which where the man has others dependent upon him is not economical, because it is making more inefficients. (Page 158.)

Sweated Labour and the Trade Boards Act. Catholic Studies in Social Reform—Manual II, Edited by the Rev. THOMAS WRIGHT. *P. S. King & Son, London, 1913.*

When, to use the words of the Committee of the House of Lords on the Sweating System, 1890, workers have for a considerable time been reduced to earnings barely sufficient to sustain existence, they become unfit for remunerative labour. Such people cannot turn out good work. At the best their efforts are fitful and their output faulty. (Page 53.)

Minimum Wage Boards. FLORENCE KELLEY, *General Secretary, National Consumers' League. Proceedings of the National Conference of Charities and Corrections, Cleveland, 1912.*

What of the workers whose work is not worth a minimum wage? The compulsory minimum compels the employer to increase in every possible way the efficiency of every worker, in order to make him worth his wage. In Victoria, for instance, it is specifically provided that the wage of an employee shall not be less than that which is paid by a reputable concern to an average employee. This spurs the employer to select carefully every person taken on. It spurs the lazy to earn the wage. There is, however, a provision under which incompetent, untrained beginners and aging workers, the deaf, the slow and persons otherwise handicapped may receive a reduced rate specifically prescribed after careful investigation by the wages boards. But all such workers must be registered, and the number allotted to one establishment is rigidly fixed. This prevents the accumulation in one place of hundreds of unskilled young girls, such as we commonly see in American paper box factories, whose sole recommendation is that they accept a low wage; who learn nothing and make no improvement either for themselves or their industry with the passage of time. (Page 9.)

A Minimum Wage for Workers. H. LA RUE BROWN, *Chairman of Massachusetts Minimum Wage Commission;* Mrs. GLENDOWER EVANS, *Member First Massachusetts Minimum Wage Commission. City Club Bulletin of Philadelphia, January 27, 1913.*

It is, however, to be noticed that no one knows how far inefficiency is produced by the conditions that result from an inadequate scale of wages and therefore no one knows how few ineffi-

cients there would be under a decent wage scale. In so far as it is argued that the tendency of establishing a minimum scale would be to lower all wages of the industry, it is perhaps a sufficient answer to say that in many industries in which women are employed in large numbers the leveling tendency has already gone on to its ultimate conclusion with a result that in certain industries 90 per cent. of the women employed earn less than $7 a week, and the range of wages is so closely confined that it is evident that wages now are fixed at the level of the "inefficient." The only effect of fixing a minimum wage at a rate sufficient to sustain life would be to raise the wages of 90 per cent. of the women employed. (Mr. Brown.) (Page 211.)

Report of Chief Inspector of Factories of Victoria, 1900. Special Boards.

It is therefore of the utmost importance to the employer that the employee shall be able to earn the wage fixed by the Board. The employee is compelled to do his best to improve in his work by the knowledge that he cannot obtain employment if he cannot earn the legal wage fixed for a person of his experience. The interests of both employer and employee are therefore strongly in favor of the employee increasing in skill and knowledge as he increases in experience. As the time draws near for the compulsory increase in wage, the employer or his agent will urge the employee to renewed efforts at improvement, and the employee has the knowledge that failure to do so will lead to dismissal. The lad who is not suited to the trade, or who is lazy or careless, is soon eliminated under such a system, instead of remaining for some years at a small wage, and then having to leave to swell the great army of unskilled or half-skilled workers. The natural result will be an improved class of workers who will be a credit to their employers, the trade, and the State. (Page 12.)
Report 1902.

In my report for the year 1900 I brought under notice the beneficial effect of the Determinations of Special Boards on the training of juvenile labor in factories. The experience of the past two years has convinced me that my conclusions in this respect then published were correct.

Under the Determinations, apprentices and improvers must year by year receive an increased wage, until finally they are entitled to the minimum wage fixed for skilled workers. For

instance, the Clothing Board fixed the following scale for male improvers:

1st month's experience at the trade	2s	6d	per wk. of	48	hrs.
Next 11 months' experience	10s	6d	per wk. of	48	hrs.
2nd year's experience	12s	6d	per wk. of	48	hrs.
3rd year's experience	15s		per wk. of	48	hrs.
4th year's experience	17s	6d	per wk. of	48	hrs.
5th year's experience	25s		per wk. of	48	hrs.
6th year's experience	30s		per wk. of	48	hrs.
7th year's experience	35s		per wk. of	48	hrs.

And thereafter 11¼d per hour, or £2 5s per wk. of 48 hrs.

Each year, under these circumstances, it becomes very necessary to the employer to see that the improver is worth the increased wage; the improver is soon informed, if he is at all careless or indifferent as to his work, that he will be discharged when his increase becomes legally due if he does not attend to his work, and fully qualify himself to earn the higher wages.

The effect is that year by year the improver's skill and experience increases, and at the expiration of the seven years, in many cases before that time, he is able to earn and receive the minimum wage. (Page 13.)

True Basis of the Living Wage, by ROBERT S. WALPOLE. *"Public Opinion," Melbourne, 1912.*

The most effective system for maintaining a high living wage and a high wage fund is, firstly, in producing an article equal or better than that made in other parts of the world; and, secondly, in filling up the waste spaces of Australia wherever possible with a vigorous and hard-working population, accustomed to a decent standard of living. The higher the wage fund in such a case, based on sound economic principles, the better for the producer of either raw or manufactured products, because of the greater purchasing power. (Page 7.)

(2) RELATION TO COST OF PRODUCTION.

Experience has proved the fallacy of the ordinary assumption that high wages necessarily mean high cost of production. In many instances it has been proved that high wages have accompanied low cost of production owing to the greater efficiency of the high wage workers, and the better organization of business.

The Economy of High Wages. [*An Inquiry Into the Cause of High Wages and Their Effect on Methods and Cost of Production.*] J. SCHOENHOF. *G. P. Putman's Sons, New York, 1892.*

. . . Though cheap labor gets less remuneration per diem, its cheapness is no saving to the employers. More hands are required to do the same amount of work that better paid labor does at the same cost. (Page 22.)

It is a fortunate sign of the times that we are at last beginning to recognize the all-important and redeeming fact, that cheap labor by no means means cheap production; that, on the contrary, low cost of production and a high wage rate go hand in hand. (Page 31.)

If a high wage rate is an impelling cause in this country to the introduction of improvements and the adoption of labor-saving processes, the low wage rate per diem ruling elsewhere is an equally strong inducement for the continuance of rusty and antiquated methods. (Page 35.)

A high rate of wages expresses a high rate of productiveness, and its converse a high consuming power. A relatively high consuming power, high standard of living, is required to make the laborer efficient, strong in body and in mind. Without this, labor remains economically more or less sterile, for which an adequate proof will be given in the further progress of this work, treating the industries of the country seriatim. Employers can therefore under no possibility lose where a permanently high rate of wages rules. They cannot possibly lose under a rising rate of wages even, as a rise in actual wages is only possible with a rise of the productive power of labor. A higher rate of wages than the one of a previous period simply registers the change which has gone on in the direction of improvement in the economy of production. But instead of being injured, the employer gains positively by the rise in the standard of wages through the increasing demand thereby created for the increasing product. (Pages 63-64.)

It is then clearly evident that there is no greater fallacy than the doctrine that a low rate of wages is necessary to insure a low cost of production. In fact, the opposite is shown to be the true principle upon which the productive processes of nations rest. (Page 65.)

"The great superiority of English manufactures in general over those of France, in connection with the higher cost of labor, is a subject of great interest and of the highest political importance. It shows that manufacturing industries are not benefited by a

nominally low price labor, as they flourish most where, on the contrary, labor is nominally at the highest price. They flourish perhaps on account of this—that labor nominally the highest is in reality that which costs the least. The quality of the work, the skill with which it is performed, go for a good deal in the balance; these depend to a great extent on the ease in which the workman lives. If he is well fed, well dressed, if his constitution preserves all its vigor and activity, then he will surely do his work, far better than a man to whom poverty leaves but a meagre pittance." (Pages 153-154.) (Arthur Young on "Manufactures in France.")

BOOTS AND SHOES.

We are certainly justified in saying in regard to this industry that a low cost of production and a high rate of earnings go hand in hand, and are the result of the most intelligent application of the most improved methods and labor-saving inventions in the economy of production. Applied to the test of foreign competition, this is proved with most convincing clearness by this statement of comparative cost and comparative earnings:

	Cost of Labor (Cents)	Weekly Wages Male	Weekly Wages Female
Lynn, Mass.	$ .35	$12.00	$ 7.00
Stafford, England	.63½	5.76 to 6.24	2.83
Leicester, England	.64	6.72 to 8.40	3.60 to 4.32
Berlin	.67	4.80 to 7.20	
Frankfort	.61	4.32 to 7.20	2.16 to 3.60
Vienna	.71	4.30 to 9.60	4.40

This is not, on a general question, based on averages, but on a closely-defined article. An American sample, procured from a Lynn factory, formed at each place the subject of a personal inquiry, so that no doubt could be legitimately raised. The differences in the cost of production and in the relative earnings are all due to differences in the labor methods, the results of the habits and trade conditions of the peoples. They all employ machinery. The goods are everywhere factory products. The machinery is nearly all American or of American origin, with foreign improvement or adaptation. Yet these are the results. (Page 24. Page 374.)

Principles of Economics. EDWIN R. A. SELIGMAN, *Professor of Political Economy, Columbia University. Longmans, Green & Co., New York, 1910.*

Economic production implies the turning out of the greatest product with the least cost. So far as the wages of labor form an

element of cost, it would seem to follow that low wages or cheap labor is a necessary condition of low cost. Before accepting this ostensibly self-evident proposition, however, it is necessary to pursue the analysis further. (Pages 286-87.)

. . . In any single industry low wages do not necessarily mean low cost. The real cost of labor is to be measured by its productive efficiency. Just as the hundred-thousand-dollar railway president is cheap because an inferior and low-priced substitute would botch matters and increase expenses, so in the case of the ordinary wage-earner the real cost is to be measured by the ratio of wages to the product of labor. In the Philippines the contractors find it in the end cheaper to hire the Chinamen in preference to the natives, although the former command larger wages; in the Southern cotton factories the white laborer is found more advantageous than the negro factory hand, who can be hired at a materially lower wage. Furthermore, in the same industry and with the same workmen neither an increase of wages nor a curtailment of labor time necessarily augments cost. Where a reduction of hours or an increase of wages succeeds in enhancing energy, care and sobriety, the output may be greater than before. Especially where fine machinery is used and a high grade of intelligence is required to secure the best results, we often find a true economy in high wages and a lower cost in shorter hours. (Pages 287-88.)

So far as labor is a factor of production, cost depends not merely upon wages, but upon wages as compared with output. Under certain conditions there is a true economy in high wages; the more a workman is paid, the less he may cost. (Page 288.)

. . . The true reduction of labor cost of permanent importance is that caused by increased efficiency. The more of a man a laborer is, the better tool he becomes. Whatever society does to improve the individual will be more than repaid by an augmented production of wealth. (Page 290.)

WILLIAM C. REDFIELD, *Before the House of Representatives on Wool Schedule, 62nd Congress, Second Session, June 12, 1911.*

Last January I was in the city of Tokyo, and a friend who was with me took a large contract, by the way, from the Japanese Imperial State Railways, in open competition with Germany and England, for several million dollars' worth of locomotives. That gentleman went to the head of the locomotive shops of the Imperial Railways, and the Japanese master mechanic said to him: "We can make locomotives much cheaper than you can in America. We have American equipment, and we can produce them for less

than you can." "Can you?" inquired my friend. "If so, let us get at the facts. If you will tell me from your cost sheets precisely what your locomotives cost, I will tell you what ours cost." And, by the way, he said: "What makes you think that your locomotives cost less than ours?" "Why," he said, "because we only pay one-fifth the wages to our men that you pay to yours." So they got the cost books, and they found that the fact was that the labor cost for locomotives on the same specifications was three and one-half times greater in the Japanese shop than in the American shops. And that is a perfectly normal fact and not an abnormal one. (Page 1940.)

The important factor in labor cost is not the rate of wage, but the rate of output. It is not what you pay, but what you get for what you pay that counts. (Page 1941.)

I have just stated in the matter of labor cost the serious element is not the rate of wages but the rate of output. . . .

Output varies with the character of the workmen, the equipment, its arrangement, or other local conditions, with the nature of the superintendent, with the discipline, and so forth. It is absurd to assume that work done by a man paid $4 daily costs more per annum than work done by a man paid $2 daily. . . . To discuss the wage rate as the controlling factor in labor cost per unit is both inadequate and misleading. The railroads are a very notable example of this. The English railways have vastly cheaper labor than we, but their freight charge per ton-mile is two and one-half times ours. . . .

To say a man gets $3 per day means nothing at all as to the cost of his product. It may be either low or high, and the wage rate taken by itself alone affords no basis of comparison. Apart from the wage rate, labor cost per unit is very largely under the control of the manufacturer and may be radically altered without changing the wage rate. . . . (Page 1942.)

I know of a machine manufactured in this country—an engine that sells for $87.50. In our factory we manufacture an engine of the same size that we sell for $350. How is it that our competitor does not get all the business?

. . . The cost of production is more influenced by rate of output, and its quality, than by rate of wage or hour of labor. (Page 1946.)

A steadily decreasing labor cost per unit of product is not inconsistent with, but is normal to a coincident advance in the rate of pay for the work when accompanied with careful study of methods and equipment. Now, these principles have stood the test, gentlemen, of two panics, and of a single year when we

lost 35 per cent. of all our business at one stroke, because the industry that gave it to us collapsed. It went almost out of existence, and new business had to be found from some other place. Yet no man's wages were cut.

I repeat, a steadily decreasing labor cost per unit of product is not inconsistent with, but on the contrary is normal to, a coincident advance in the rate of pay for the work when accompanied by careful study of methods and equipment, as previously suggested. Conversely, low-priced labor nearly always is costly per unit produced, and usually is inconsistent with good tools, equipment, and large and fine product, else such labor would not be low priced. (Page 1946.)

Now, however, that scientific manufacturing as a profession has begun and is growing, the fact is found that we can and often do produce as cheaply here as abroad, not despite of, but because of, the higher rates of wages here, which are but a partial measurement of the higher efficiency and character of the American workman and of the fine equipment put at his disposal. (Page 1948.)

Report of the Tariff Board on Schedule 1 of the Tariff Law, 62nd Congress, 2nd Session, March 26, 1912.

As is well known, wages or earnings are not necessarily an index of the labor cost of any particular process of manufacture. The labor cost per yard depends on the relation between wages and output. An extreme illustration can be shown by figures secured by the Board in Japan. It is true that the wages of spinners and weavers per day in that country are very low, but the number of operatives employed to secure a given output is much greater than in this country. In the case of spinning, the lower wages paid are not offset by the larger number of persons employed, and consequently the amount paid to spinners per pound of yarn is materially less than in this country. On the other hand, Japanese weavers tend only one or two looms, and the lower output per weaver under existing conditions makes the amount paid the weaver per yard of cloth about 80 per cent. of the amount paid in this country where plain looms are used in this country; while compared with the use of automatic looms the amount paid the weaver per yard of cloth is greater than in this country. (Page 12.)

The New Tariff. A Retrospect and a Forecast. N. I. STONE, *Formerly Chief Statistician of the Tariff Board. Review of Reviews, October, 1913.*

Our mills consume more raw cotton than those of any other country in the world. We have been threatened with the bugaboo of cheap labor of British India, China and Japan which, combined, had 9,250,000 spindles in 1911 as against our 29,500,000. The report of the Tariff Board demonstrated the fact that in spite of her 15 to 40 cents a day spinners and weavers, Japan's cost of production of cotton cloth was higher than that of the United States. (Page 438.)

Schedule K. The Effect of the Tariff on the Wool Grower, the Manufacturer, the Workman, and the Consumer. N. I. STONE, *Formerly Chief Statistician of the Tariff Board. Century Magazine, May, 1913.*

Industrial efficiency depends on a great many conditions, an adequate discussion of which would take us far afield. One fact, however, stands out preeminently, and must be emphasized until it is seared into the consciousness and conscience of the American citizen, and that is that industrial efficiency, which is synonymous with low-labor cost, does not mean, or depend upon low wages. Yet the lower wages in Europe constitute the stock argument in every plea for protection that is dinned into the ears of Congress.

Almost invariably the mill paying higher wages per hour showed lower cost than its competitor with lower wages.

Thus, in wool scouring the lowest average wages paid to machine operatives in the thirty mills examined was found to be 12.16 cents per hour, and the highest 17.79. Yet the low-wage mill showed a labor cost of 21 cents per hundred pounds of wool, while the high-wage mill had a cost of only 15 cents. One of the reasons for this puzzling situation was that the low-wage mill paid nine cents per hundred pounds for supervisory labor, such as foremen, etc., while the high-wage mill paid only six cents. Apparently well-paid labor needs less driving and supervising than low-paid labor.

In the carding department of seventeen worsted mills the mill paying its machine operatives an average wage of 13.18 cents per hour had a machine labor cost of 4 cents per hundred pounds while the mill paying its machine operatives only 11.86 cents per hour had a cost of 25 cents per hundred pounds. This was due

largely to the fact that the lower-cost-high-wage mill had machinery enabling every operator to turn out more than 326 pounds per hour, while the high-cost-low-wage mill was turning out less than 48 pounds per hour.

The same tendency was observed in the carding departments of twenty-six woolen mills. The mill with the highest machine output per man per hour, namely 57.7 pounds, had a machinery-labor cost of 23 cents per hundred pounds, while the mill with a machine output of only six pounds per operative per hour had a cost of $1.64 per hundred pounds. Yet this mill, with a cost seven times higher than the other, paid its operatives only 9.86 cents per hour, as against 13.09 cents paid by its more successful competitor.

These examples could be repeated for every department of woolen and worsted mills, but will suffice to illustrate the point that higher wages do not necessarily mean higher cost. (Page 118.)

Women's Work and Wages. [*A Phase of Life in an Industrial City.*] *By* EDWARD CADBURY, M. CECILE MATHESON, *and* GEORGE SHANN. *T. Fisher Unwin, London, 1906.*

. . . In the long run it would be to the advantage of consumers and wage-earners alike for the work to be taken from the inefficient masters and forced into the hands of those who, ex hypothesi, are not paying unduly low wages, and who therefore presumably reach low cost of production through the most efficient and up-to-date machinery and business methods. (Page 286.)

. . . It is a big assumption to assert that prices would rise; but even if this had to be at once admitted it would not invalidate the argument for a national minimum. In the first place, although it is difficult to fix the proportion, it is practically certain that the workers would not pay all the increase in price, and therefore they would be proportionately better off. Low prices do not compensate the workers for low wages. The idea that low-priced goods makes up to the worker for bad conditions of work and for low wages is one of the most fallacious of popular beliefs. Those who think like this must look upon the worker merely as a wealth-producing machine, and so mistake the whole end of economic effort. The community, and much less a private person, has no moral right to use a man or woman merely as a means of producing wealth. The end of work should be to develop and humanize the life of the worker. Of the two lines which the economic progress of the workers may take, i. e., advancing wages or falling prices, there is no question which is preferable to the worker. When wages are raised the worker alone gets the benefit in the first place though, of course, so far as a higher wage develops

the efficiency of the worker the community ultimately reaps the benefit as well. But when goods are reduced in price, those who consume them, namely the whole community, get the benefit. Thus low wages are never fully compensated by low prices. From the workers' point of view goods may be too cheap. The only question can be as to the proportion of benefit the workers get from an increase in wages. (Pages 288-289.)

Industrial Efficiency. [*A Comparative Study of Industrial Life in England, Germany and America.*] ARTHUR SHADWELL. *Vol. 2. Longmans, Green & Co., London, 1906.*

Labor may be plentiful and cheap, but it may be bad economy to buy it cheap. For what an employer wants is not labor but the result of labor, and if he buys too cheap he will not get it; just as a man who buys a coat may buy too cheap. What he wants is not a coat, but warmth or the result of a coat, and if he buys too cheap he does not get it. Cheap labor may be dear through want of capacity or of will. The former is generally recognized, but the latter is often overlooked. Wages are the incentive to work, and must be adequate to produce it. . .

Adequate wages are a good investment not only for the employer, but for the country. They increase national strength. (Page 125.)

Wages, I repeat, are the incentive to work, and if the work is to be adequate the incentive must be adequate. Employers often fail to realize this. The complaint of the men is well founded. A manufacturer, hard pressed by competition, seeks to reduce cost of production, and the item which lies readiest to his hand is the wages bill. He cuts it down, or tries to cut it down. The step may be unavoidable; it sometimes is; but often it is not, as the result of some of the greatest strikes has shown. It is truer economy to make it the last instead of the first thing to touch. A German textile manufacturer recently worked the thing out for me in figures. I did not put it to him in that way, but I asked for some information which led him to make a minute analysis of the cost of production in his business. The result surprised him, and he told me that manufacturers in the same branch of industry have only the vaguest idea of the relative importance of the many items that make up the cost of production. It is a complicated and laborious task to work them out in exact detail, and he had never attempted it before. He found that a 10 per cent. reduction of wages was only equivalent to one farthing

a yard, or one per cent., in the price of the finished product. The conclusion he drew was that wages were the last thing they ought to touch in attempting to reduce cost.

I submit, then, that wages may be too low—economically too low, I mean, because humanly too low. (Pages 126-127.)

Even those who take a pride in doing good work for its own sake are helped and stimulated by the recognition implied in higher pecuniary rewards. It is, therefore, no reflection on any workman to say that they would work better if they were better paid. Any workmen in England are in that position. I should not venture to be so positive about it if I had not good warrant for the opinion from the quatrer where it would be least expected. In the ship in which I came over from America there happened to be five English manufacturers, who had been in America partly on business and partly for the purpose of studying industrial conditions like myself. They represented iron and steel, small arms, cotton, wool and, I believe, machinery. I am not quite sure about the last, but at any rate they included several great industries. One of them had large interests in cotton-seed oil mills in the States. They were good enough to invite me to a conference on the subject of English and American industrial methods; and we discussed it for a couple of hours. Among other things I asked this question, "How are you to get more work out of the men at home?" and the answer came prompt, "Pay them better." (Page 130.)

Report of Conference on a Minimum Wage. National Anti-Sweating League, London, 1907.

. . . It does not necessarily happen that a rise of wages causes a rise of cost of production. So far as time wages are concerned, an increase of pay per hour or per day will have some effect in raising the standard of efficiency of labor; better nourished, more energetic and more cheerful workers give out a larger amount and a better quality of labor power. The economy of higher wages is certainly applicable to the weak, hopeless, dispirited worker in a sweating factory or workshop. To piece wages, too, the same consideration will to some extent apply. The higher legally enforced piece-wage will not necessarily involve a corresponding rise in net cost of production; for if it enables and induces the workers to turn out more and better work per day, the saving of time and of loss from damaged or rejected goods will compensate in part, at any rate, the rise of piece-rates.

Cost of production, therefore, does not necessarily rise to correspond with a rise of wage. (Page 54.)

Evidence taken before the Select Committee on Home Work, House of Commons—London, 1907. G. R. ASKWITH *(Barrister, Arbiter in Trade Disputes).*

4281. Now there is one more point, and it is a very important one, which has been raised, and that is with regard to the price of articles and the effect of legislation upon consumers. I think you have already told me that you consider that such legislation would tend to increase efficiency?—Yes, I think so. If the workers are in a better condition they can generally do better work.

4282. If it increases efficiency, would the production of the trade increase in proportion to the labor cost?—Yes, I dare say it would.

4283. That would be the tendency to increase production?—The tendency would be that way.

4284. Therefore, if that is so, what would be the obvious effect on the price?—There would be more articles produced and therefore the price would not tend to go up so much as if a less number of articles were produced.

4285. As a matter of fact, if we take the last generation, wages have risen, have they not?—Yes, in most trades.

4286. Generally all over the country; but the cost of products has not risen?—The cost of a lot of articles has not risen, but the standard of comfort has risen.

4287. The price of articles is falling?—I believe that that is so with regard to articles necessary to life.

4288. That is to say, speaking broadly, while wages have gone up, prices have gone down in the last thirty years?—Yes, I think that that is so as a broad proposition.

4289. With regard to the effect on the cost of production, if we take our Labour Laws, Factory Acts, Workmen's Compensation Act, and all the various laws for the protection of labour, are they not equivalent to an increase in the cost of labour, or in the remuneration of labour?—Yes, I suppose they are.

4290. They are increases in the cost of management?—Yes.

4291. If a factory has to be whitewashed, for example, that increases the cost?—They have improved the condition of the worker, and in improving the condition of the worker, they have thrown the cost on the trade.

4292. Such things have introduced a real improvement in efficiency?—That has been the policy of this country ever since Lord Shaftesbury started his Factory Acts, and everyone agrees now that the Factory Acts are a most valuable addition to the legislation of this country.

4293. Quite so; and as a matter of fact, since those enactments the prices of the common necessaries of life have fallen?—Yes, that is so.

4294. In spite of the increased cost which has been thrust upon the producer?—Yes—upon the industry as a whole. (Page 210.)

The Living Wage. PHILIP SNOWDEN, M. P. *Hodder & Stoughton, London, 1918.*

High wages pay, cheap labor is dear labor. That truth is being more generally appreciated by employers of labor. From Adam Smith downwards economists have pointed out that higher wages made labor more efficient, and led to an increased output of work, larger in quantity and better in quality. High wages, too, it is shown by practical experience lead to a lessening of the cost of production. Contemporary with the advances of wages which went on from 1850 to 1900, there was a continual decline in the cost of production. This lessening of the cost of production, it is true, has been brought about mainly by mechanical improvements; but the more intricate the machinery is, and the more elaborate the organization, the more skillful and efficient the worker is required to be, efficiency and skill being qualities which are not acquired and maintained on low wages. In the past there has been too much attention paid to the improvement of the machine in comparison with the attention which has been given to improving the man who works the machine. In every factory and workshop where numbers of men work, there will be a difference of 30 per cent. or more in the outputs of the most efficient and the least efficient workmen engaged on precisely the same work under precisely the same conditions. That difference is due to causes which might be prevented. The inefficient man is in most cases the victim of poverty in childhood. He has been neglected in body and mind. His children, in turn, are suffering in like manner from the inefficiency and the consequent poverty of the father. The loss of labor power and of wealth production from the inefficiency of the workmen below the average is incalculable. This loss can be recovered by giving the workman better conditions and better opportunities. Higher wages will bring back, directly and indirectly, more than is spent in paying them.

The most profitable trades in this and in other countries are those which pay the highest wages. The better wage enables the workman to eat more, and of a better quality. He lives under healthier conditions in his home. He is better nourished in mind and body. The result is that he tends more looms, minds more

spindles, hews more coal, turns out more steel, makes more machines, than the workmen who have a lower standard of life. (Pages 145-146.)

Facts do not support the contention that an increase of wages means an increase of prices. Between 1850 and 1900 there was a continuous increase in wages; but in these years prices fluctuated without the slightest regard to whether wages were going up or down. Between 1850 and 1870 there was an increase of 34 per cent. in wages, and an increase of 25 per cent. in prices; but between 1870 and 1890 wages rose by 27 per cent., and prices dropped by over 30 per cent. The increase in the cost of living from 1900 to 1912 certainly cannot be explained by the increase of wages, for wages have remained practically stationary, while prices have risen by about 13 per cent. Instead of an increase of wages tending to cause an increase of prices the very opposite is the case; that is, so far as wages do influence prices. High wages lessen the cost of production, and therefore reduce prices. (Page 150.)

(3) BENEFITS TO GENERAL STANDARDS OF LIVING.

With an increase in wages, the standard of living rises. Not only does the amount of income spent upon food increase but the standards of housing, clothing, and recreation are found to rise also.

Bulletin of the United States Bureau of Labor No. 56. Labor Conditions in Australia, by VICTOR S. CLARK. *Washington, 1905.*

The social sanction of the minimum-wage determinations rests upon the common interest of society in maintaining among all classes of people a standard of living comporting with the general wealth and civilization of the community and guaranteeing healthy social progress. (Page 61.)

Women and the Trades. ELIZABETH B. BUTLER. *The Pittsburgh Survey—Russell Sage Foundation Publication, New York, 1909.*

Moreover, the community cannot afford to deny any of its members reasonable recreation. Industrial success is of small value, if the contributors to that success lead lives void of spiritual meaning or spiritual impression. Among those girls who have suffi-

cient imagination to grasp what is denied them, there is sure to be reaction, perhaps ill-health, perhaps indecency, to the cost in either case of the whole community. Recreation, richness of life in leisure hours, is equally a source of decency and of health. (Pages 349-50.)

Homestead. The Household of a Mill Town. MARGARET F. BYINGTON. *The Pittsburgh Survey—Russell Sage Foundation Publication, New York, 1910.*

A livelihood cannot be said to be independent which does not provide through insurance and savings for emergencies; and it falls short of competence if it fails to afford some current share of pleasure as well as toil, of comfort of mind as well as food and shelter. It is within the bounds of practical American idealism to hold that such a livelihood should, within a reasonably short period of years, be reached and maintained. (Page 182.)

The Living Wage of Women Workers. [*A Study of Incomes and Expenditures of 450 Women Workers in the City of Boston.*] LOUISE M. BOSWORTH, *Fellow, Women's Educational and Industrial Union. Longmans, Green & Co., New York, 1911.*

The wage groups are five in number, namely: (1) $3 to $5 per week; (2) $6 to $8 per week; (3) $9 to $11 per week; (4) $12 to $14 per week; (5) $15 and over per week. . . .

The expenditures of the $9 to $11 wage group may be taken as representing the minimum living wage. This class stands midway in the wage scale and represents roughly the average of all women workers covered by the investigation. It appears, moreover, that the average income and the average expenditures of this class approximately balance each other, whereas in the two classes standing lower in the scale there is a deficit of income below expenditures, and in the two classes standing higher in the scale a surplus of income over expenditures according to the tabulated returns. This fact indicates that the income first becomes adequate to meet expenditures when this wage group is reached.

There are also other indications that the expenditures of this class represent a fair minimum standard of decency and comfort. (Page 9.)

. . . Between the $3 to $5 group and the next higher division there is a large increase in food expenditure. The difference between the $6 to $8 group and the next higher is less marked. It thus appears that the increase of income up to $8 is used to

provide a better dietary. The slighter increase, both in regular board and in extra food, between this and the next higher division would seem to indicate that the most pressing needs in these directions are met at about a $9 wage. (Page 46.)

The classification of health expenditures by wage groups shows: first, a marked increase in amount up to the $9 to $12 group; second, a practically stationary expenditure for the next group, of $12 to $14 workers; and third, a great decrease for the highest group, of $15 and over. This showing indicates that insufficient wages do not permit of essential medical treatment, and that high wages tend to diminish the need of such treatment. The percentage of the income spent for the maintenance of health steadily decreases with the increase of wages, from 5.80 to 1.89, showing the gradual lessening of this burden with the expansion of earnings. (Page 77.)

Judicial Interpretation of the Minimum Wage in Australia, by M. B. HAMMOND. *American Economic Review, June, 1913, Princeton, N. J.*

It was in the interpretation of these terms "fair and reasonable" as applied to wages that Mr. Justice Higgins first enumerated his famous doctrine as to what should constitute a minimum wage. Owing to the fact that the standard set up in this case has steadily served as the precedent in other cases in the same court, and that the principle here laid down has generally been accepted by other courts in Australia and even to some extent by wages boards, the statement of the president deserves to be quoted in full:

"The provision for fair and reasonable remuneration is obviously designed for the benefit of the employees in the industry; and it must be meant to secure for them something which they cannot get by the ordinary system of individual bargaining with employers. If Parliament meant that the conditions shall be such as they can get by the ordinary individual bargainings—if it meant that those conditions are to be fair and reasonable which employees will accept and employers will give in contracts of service—there would have been no need for this provision. The remuneration could safely have been left to the usual, but unequal, contest, the 'higgling of the market'—for labor, with the pressure for bread on one side and the pressure for profits on the other. The standard of 'fair and reasonable' must, therefore, be something else; and I cannot think of any other standard more appropriate than the normal needs of the average employee, regarded as a human being living in a civilized community. I have invited counsel and all concerned to suggest any other standard; and they have been unable to do so. If, instead of individual bargaining, one can conceive of a collective

agreement—an agreement between all employers in a given trade on the one side and all employees on the other—it seems to me that the framers of the agreement would have to take, as the first and dominant faction, the cost of living as a civilized being. (Page 269.)

"If A lets B have the use of his horses on the terms that he give them fair and reasonable treatment, I have no doubt that it is B's duty to give them proper food and water and such shelter and rest as they need; and as wages are the means of obtaining commodities, surely the state, in stipulating for fair and reasonable remuneration for the employees, means that the wages shall be sufficient to provide these things, and clothing and a condition of frugal comfort estimated by the current human standards. This, then, is the primary test, the test which I shall apply in ascertaining the minimum wage that can be treated as 'fair and reasonable' in the case of unskilled laborers." (Mr. Justice Higgins.)

Having accepted the principle of the living wage as the only standard of what was fair and reasonable for the unskilled laborers, the president next undertook to determine what was a living wage on the basis of the living to the workers. He sought for and secured evidence from "working men's wives and others" as to "the cost of living"—the amount that has to be paid for food, shelter, clothing, for an average laborer, with normal wants and under normal conditions. He found that this evidence was confirmed by reports furnished to him by land agents as to rents and by tradesmen as to the commodities which working men purchased. He offered the attorney for the applicant an opportunity to call evidence to combat these statements but "he could produce no evidence in contradiction." (Pages 268-269.)

"I wish it were clearly understood that it is not my function to prescribe to the captains of industry how best to do their business. My function is to secure peace, if possible; and, in order to secure peace, to provide that the employee shall have a reasonable return for his labor—above all, sufficient means to meet the primary wants of human life, including opportunities for rest and recreation. A growing sense of the value of human life seems to be at the back of all these methods of regulating labor; a growing conviction that human life is too valuable to be the shuttle-cock in the game of moneymaking and competition; a growing resolve that the injurious strain of the contest—but only as far as it is injurious—shall, so far as possible, be shifted from the human instruments. But in all other respects, employers are to be left free to use their own judgment and discretion, in their efforts to meet the different conditions of modern industry." (Mr. Justice Higgins. Pages 285-286.)

Contemporary Review. A Living Wage. WILLIAM CUNNINGHAM. *Vol. 65, pages 16-28, London, 1894.*

Increased money wages are a boon insofar as they give the opportunity for forming better habits of life, and raising the standard of comfort; a gradual improvement in the rate, if it can be maintained, is very likely to have this effect. (Page 20.)

The living wage would not give us immunity from suffering, but, so far as I see, it would tend towards industrial stability and would, to this extent, limit the inevitable privation and give the greatest opportunity for remedying distress. That is why this project is worth trying where it is possible. (Page 21.)

The Prevention of Destitution. SIDNEY *and* BEATRICE WEBB. *Longmans, Green & Co., London, 1911.*

If we were suddenly, without due preparation, to raise the wages of all the sweated workers to something permitting even a minimum standard of civilized life, we should not, it is true, thereby put any new charge upon the taxpayer, but we might, in the case of many articles, raise the cost of production to the employer and the price to the consumer. But all the experience of the past, as every contractor knows, proves that a gradual and moderate increase in wages, step by step, up to the point of full subsistence, creates such a rise in productive efficiency that it actually decreases the cost of production, and lowers prices. (Page 327.)

Any net increase thus occasioned in our total collective expenditure on the poor will, we believe, be more than made good by the all-around increase in the productivity of the manual working-class that would accompany their better health, their more regular conduct, their greater technical skill and the prolongation of their average working life. This is, at any rate, the counsel of the political economist as it is that of those practical men of affairs who have watched the results of good food, discipline and education in different countries, at different periods, on different classes and races. (Page 328.)

The Economic Theory of a Legal Minimum Wage. SIDNEY WEBB. *Reprinted from the Journal of Political Economy, University of Chicago Press, December, 1912.*

We have, therefore, to consider also the effect on the living human being of the more adequate wages that the enforcement of a legal minimum would involve in the lowest grades. If unrestricted individual competition among the wage earners resulted in

the universal prevalence of a high standard of physical and mental activity, it would be difficult to argue that a mere improvement of sanitation, a mere shortening of the hours of labor, or a mere increase in the amount of food and clothing obtained by the workers or their families, would of itself increase their industrial efficiency. But such ideal conditions are far from prevailing in any country. (Page 9.)

The Living Wage. PHILIP SNOWDEN, M. P. *Hodder & Stoughton, London, 1913.*

Included in the desired standard of life is much more than the supply of adequate food, clothing and housing. Health, leisure, education, provision against sickness and accident, freedom from anxiety about employment and the future, are equally constituents of the standard of living. (Page 13.)

The facts given as to the expansion of the trade of the country when wages were rising proves that there would be no danger of any falling off in trade if a larger share of the national income went to the remuneration of labor. On the contrary, as is shown in a later chapter, there would be a proportionate stimulus given to all the staple trades. The increase in wages would be spent in the purchasing of necessaries and reasonable comforts, and this would maintain a more regular trade than when the purchasing power is in the hands of people who spend a large part of their income in varying ways. There is an ample fund for the provision of a living wage for the workers. (Page 75.)

III. BENEFITS OF THE LEGAL MINIMUM WAGE.

(1) SUCCESS OF THE ACTS.

The experience of the countries which have fixed a minimum wage by law has proved successful.

In Victoria, special boards to fix minimum wages have been established since 1896. The success of the boards is shown by their continuous increase—from 6 boards in 1896 to 131 boards in 1912, affecting the wages of 150,000 persons. Each board represents a separate branch of industry. Together they comprise practically all branches of manufacture and important branches of distributive trade.

In Great Britain the boards have not been long enough established to show many results. The testimony to date all goes to prove that the boards have resulted in benefits to both employers and employees.

Report of the Chief Inspector of Factories, Workrooms and Shops. Victoria, 1896-1911.

Report for 1897—

During the year the five special boards elected during 1896, consisting in each case of five representatives of employers, five representatives of employees, and a chairman, met to fix the wages.

A sixth board was appointed in January, 1897, to fix the wages, etc., in the furniture trade.

Report for 1898—

Determinations made by five boards have been in full operation during 1898. The wage earnings of 10,135 employees have been increased.

Report for 1899—

The determinations of six special boards have been in force during the year.

Report for 1900—

Under the provisions of the Factories and Shops Act, 1900, twenty-one special boards were authorized by Parliament during 1900.

At the close of 1900 there were, therefore, 27 special boards authorized by Parliament.

Report for 1901—

Eleven special boards were authorized by Parliament during the year 1901.

There are now thirty-eight special boards in existence.

Report for 1902—

There are now only thirty-six special boards which have made or can make determinations.

I estimate that minimum wages affecting about 30,000 operatives are legally fixed by the determinations of the twenty-nine special boards now in force.

Report for 1903—

There are thirty-eight special boards affecting over 38,000 operatives.

Report for 1904—

There are thirty-eight special boards affecting over 38,000 operatives.

Report for 1905—

There are thirty-eight special boards affecting about 44,500 operatives.

CONSOLIDATION OF ACTS.

During the years 1896 to 1904, inclusive, there were eight acts passed amending the Factories and Shops Act, 1890. These acts were all of a temporary nature, and the grave uncertainty in which the factory legislation of the state stood was clearly shown by the lapse of the whole of the temporary acts in 1902 owing to an unexpected dissolution of Parliament. A special act was passed to revive and continue the lapsed acts, but the temporary character of same was continued.

Last year the whole of these acts were consolidated and made permanent.

Report for 1906—

Resolutions in favor of appointing eleven new special boards were carried in both houses of the Legislature toward the close of 1906.

With the thirty-eight special boards previously appointed, there are now therefore forty-nine boards in existence, affecting about 49,500 operatives.

Report for 1907—

Resolutions in favor of appointing two new special boards were carried in both houses of the Legislature toward the close of 1907.

With the forty-nine special boards previously appointed, there are now therefore fifty-one boards in existence, affecting over 50,000 operatives.

Report for 1908—

Resolutions in favor of appointing eight new special boards were carried in both houses of the Legislature towards the close of 1908 and early in 1909.

With the fifty-nine special boards previously appointed there are now, therefore, fifty-nine boards in existence, affecting over 67,000 operatives.

Report for 1909—

Resolutions in favor of appointing twelve new special boards were carried in both houses of the Legislature towards the close of 1909.

With the fifty-one special boards previously appointed there are now, therefore, seventy-one boards in existence, affecting about 75,000 operatives.

Report for 1910—

Resolutions in favor of appointing twenty new special boards were carried in both houses of the Legislature towards the close of 1910.

There are now ninety-one board affecting about 110,000 employees.

Report for 1911—

Resolutions in favor of appointing twelve new special boards were carried in both houses of the Legislature towards the close of 1911.

There are now one hundred and eleven special boards, affecting about 130,000 employees. Of these, two boards have not been constituted, viz.: the Stationery Board and the Slaughtering for Export Board.

Report for 1912—

Resolutions in favor of appointing nineteen new special boards were carried in both houses of the Legislature towards the close of 1912.

There are now one hundred and thirty-one special boards, affecting about 150,000 employees. (Page 6.)

Report of Chief Inspector of Factories of Victoria. 1897.

THE BREADMAKING AND BAKING BOARD.

Mr. G. Hall reports:

The determination of the Bread Board, which came into operation in March, may be said to have had a fair trial, and so far as my district is concerned, I consider it to have been a success. It has been the means of raising the wages of many workers very considerably. The finding of the board is generally observed, and works smoothly. (Page 5.)

Report of Chief Inspector of Factories of Victoria, 1898.

During the past year the attempt to deal with the sweating evil by means of legislative action has been practically on its trial. To all those interested in the system of fixing a minimum wage, the year has been one of anxiety, and to the officers of this department one of anxiety, greatly increased responsibility, and extra work. Failure meant so much. Only those who are constantly in communication with those who earn a precarious daily wage can realize what misery is brought about by uncontrolled competition—success, on the other hand, would mean another blow to the theory that the state cannot protect large numbers of its citizens from many of the evils of slavery. Where, for instance, is the freedom of men or women who, without money or food (either for themselves or others dependent on them), have to go and beg for work from men both able and willing to take full advantage of their necessities? . . . With these facts constantly before me it can be understood that the success of the system of fixing minimum prices by legislative action appeared of the greatest moment and importance.

With a full knowledge of the significance of the statement, I say I believe the system has been successful.

I do not for a moment claim that the system is perfect, and propose almost immediately to point out defects. That it has to a large extent prevented the worst evils of free competition appears to me to be beyond a doubt. In dealing with the effects of the various determinations of the boards, figures supplied by manufacturers will be given which will, I trust, satisfy the most incredulous. (Pages 4-5.)

On the determination of the Clothing Board, Miss Cuthbertson reports:

The workers inside the factories have, generally speaking, benefitted greatly by the determinations, and though possibly they have to work harder and more consistently, yet they are better paid and have steadier employment, and continually the hope is expressed by them that the act will be placed permanently upon the statute book. (Page 9.)

Report of Chief Inspector of Factories of Victoria. 1900.

CLOTHING BOARD.

Probably everyone who is interested in factory legislation will remember the bitter complaints made for several years prior to 1896 of the "sweating" existing in the clothing trade. That the complaints were well founded was admitted by everyone who inquired into the matter. The Royal Commission appointed to inquire into the matter, and of which Mr. A. L. Tucker was chairman, found that gross sweating existed in the trade.

In England and America complaints regarding sweating in this trade are still constantly made. (Page 16.)

So far as I am aware, nothing has been done to decrease the evil, either in America or in England. I venture to affirm that there is now no sweating in the clothing trade in the State of Victoria. (Page 17.)

Mr. W. H. Kingsbury reports concerning the Ballarat, Bendigo, and Geelong districts:

In the clothing trade the determination of the board is now recognized as fair, both by the employer and employee. The operatives are satisfied that the legislation in their trade has been to their benefit. The same may be said in reference to the employers. (Page 19.)

Report of the Royal Commission to Investigate and Report on the Operation of the Factories and Shop Laws of Victoria. Melbourne, 1902-3.

THE WORKING OF THE LAW IN VICTORIA.

THE CLOTHING BOARD.

The testimony of outworkers shows that the wages which have been obtained under the existing law are much better than the rates fixed in former years when employers could pay what they thought fit. From an official return showing the wages actually paid to certain individual workers in 1895, we may cite the following by way of illustration: An expert shirt-finisher received 4d per dozen for this class of work, taking about ten minutes to do one. Allowing for loss of time in going to and from the factory she sometimes had to work from 6 a. m. to midnight, and for twelve hours continuous work she could only earn 2s (or half the present minimum wage rate for the same time). In another case, a maker of tennis shirts, working for a middleman, making the complete garments, finding cotton and paying for cartage, received only 2s 3d per dozen. Working long hours, sometimes from 8 a. m. to midnight, her average output was four to five dozen a week, which brought her a wage of 9s to 11s 3d. This woman, who had good testimonials as to her efficiency as a worker, was a widow with four children, the eldest of whom earned 5s a week. The latter sum, with the pittance earned by the mother's hard work, supported the family, but their struggle for existence is shown by the fact that on the occasion of one visit the inspector found that this woman had to stop work as she had no money to buy a reel of cotton. In a third case, a shirtmaker doing machine only, i. e., pre-

paring the garments for the finisher, got from 1s 7d to 2s 2d per dozen, and got through a dozen by working twelve to thirteen hours a day. Her average earnings were 1s 7d a day. If these low rates, with the inevitable accompaniment of extreme poverty, and too often ill-health arising from excessive hours of work and lack of nourishing food, are contrasted with the condition of affairs recorded in 1901, when the average wage of all women in the trade was set down at 16s 10d a week, while 134 earned on the average 20s 8d per week, it will be admitted as a fact beyond dispute that in this trade the factory law has broken down a hideous form of sweating and protected in no small degree an industrious and deserving class of women. (Page XLII.)

This is an industry in which, in the days of freedom of contract and unregistered home-work, the sweating evil was rampant. Investigations made by a board of inquiry, which sat in 1893, disclosed a condition of things which could only be paralleled in the most poverty-stricken quarters of the east end of London. It was, it is true, at the period of a great financial crisis; but time had intensified and not created the evil. In the stress of competition, a system prevailed under which large city warehouses let the making-up of clothing to small contractors or middlemen at rates so low that they was very little, if any, profit left to the latter if fair wages were paid.

The lapse of nearly a decade with more prosperous times in the interval and the creation of a board to regulate wages in the trade, has naturally caused many changes for the better in the lot of both factory hands and out-workers. (Pages XXXVIII and XXXIX.)

To sum up the evidence in this trade, sweating in its worst form, which brought misery into so many homes, has almost disappeared, and if undercutting and the payment of unduly low wages still exists, it is chiefly in the case of a few out-workers who act in collusion with their employers. This practice, the employees consider, cannot be put a stop to until one person is made to constitute a factory, as in New Zealand. (Page XLI.)

THE SHIRT-MAKERS' BOARD.

In 1901, there were 134 women receiving an average wage of 20s 8d per week, a fairly high wage if it be borne in mind that this was one of the trades in which in the early part of the last decade sweating was prevalent. No complaints were received by us from either side respecting the rates or general conditions of the trade, and the factory inspectors in recent reports state that the determination continues to work well, as regards both indoor and outdoor labour. (Page XLII.)

THE UNDERCLOTHING BOARD.

In some cases, competent workers receive 20s and upwards per week. The official reports show that there is no difficulty in enforcing payment of the minimum wage, the scale, as a whole, being fair from the employers' point of view. (Page XLIII.)

THE NEW LEGISLATION RECOMMENDED.

We recognize that there cannot in the circumstances of the times be any return to the old conditions of freedom of contract in factory labour. The well-being of thousands of wage-earners, with thousands of others dependent upon them, rests on a humane, well-conceived, and properly administered law for the protection of this kind of labour. It is clearly our duty, therefore, not to destroy the good work already done in the cause of humanity and justice, but to so modify and correct the defects which experience has shown to exist that the best principles of our factory legislation may be maintained and extended although in a different form. (Page LXV.)

Report of Chief Inspector of Factories of Victoria. 1909.

During last year nine new boards brought in their determinations, while no less than nineteen of the existing boards amended their determinations. Several new boards also completed their determinations, which were arranged to come into force during 1910. The working of the various determinations is harmonious and satisfactory. Very few cases have come under my notice of wilful attempt to evade the provisions of these determinations. (Page 72.)

Report of the Department of Labor of New Zealand. Wellington, 1911.

The various awards (minimum rates) have worked smoothly in this district, and during the year nothing of importance has arisen in respect to the administration of the Act.

The number of complaints from employees has been very few, and there have been no prosecutions for breaches of award during the year. (Page 57.)

Quarterly Journal of Economics, Vol. XVII, 1903. A. S. WEBER. *The Report of the Victorian Industrial Commission.*

Labor legislation in the provinces of Australasia, although for a generation past it has been subject to many vital changes, bears

the impress of a steady and continuous development, its declared principle, however imperfectly carried out in practice, being an assertion of the right of the state to intervene between employer and employed for the purpose of regulating and defining the duration and general conditions of certain kinds of human labor, as well as in some instances the wages justly payable for the work done. (Page 614.)

The British Minimum Wages Act of 1909. A. N. HOLCOMBE. *Quarterly Journal of Economics, May, 1910, page 576.*

After a decade of activity, during which no important body of public opinion in Victoria has demanded the abolition of the boards or the renunciation of the principle of a legal minimum wage in the sweated industries, the return of the Liberals to power in England brought ministers into office who were disposed to give the Victorian system a trial under the less favorable, though more distressing, English conditions. Select committees of Parliament again sat upon the question, and a competent investigator was sent to Victoria to study on the ground the operation of the wages boards. The result was the Trade Boards Act of 1909.

Minimum Wage by Law. The Independent. New York, 1911.

And one fact is that for fifteen years Australia has successfully administered a minimum wages law, and by means of it has prevented the sinking of white labor to the Chinese standard of living which, in 1896, was so seriously threatened that the public stood ready to adopt any policy promising results. The experiment is, therefore, not visionary, not academic. It has been proven workable by practical people in a practical land. England has followed the Australian example by enacting a minimum wage law that went into effect in January, 1910. (Page 806.)

Proposed Minimum Wage Law for Wisconsin. Prepared under the Direction of JOHN R. COMMONS. *Wisconsin Consumers' League. Madison, 1911.*

There is a general consensus of opinion in Victoria that the special boards are valuable and ought to be retained; that they have raised the level of competition, raised the rate of wages, bettered the conditions of employment, increased the tendency toward organization among employees through elections and otherwise, and greatly reduced the evils of sweating, both by raising the wages

and enabling the employee to know the rate and receive regular payments. (Page 4.)

The Minimum Wage. Mrs. ELIZABETH G. EVANS, *Member First Massachusetts Convention on Minimum Wage Boards. City Club Bulletin, Chicago, 1912.*

In the countries where it has been tried, and especially in one country where it has been given fifteen years' trial, it has turned out to be beneficial rather than otherwise to business interests. Conditions, of course, are very different in the United States from those of every other country on earth. With our enormous area and with the enormous range of laws, we cannot always argue from other countries to this, and least of all from Victoria. But I think it does argue something that Victoria, having in 1896 enacted laws to establish minimum wage boards, has year by year established more of them. It has established boards for one industry after another until there were in 1909 ninety-one, twenty of them established in the last year. Victoria, New South Wales, West Australia, South Australia, New Zealand and Tasmania have all adopted minimum wage legislation of some sort. (Page 126.)

Judicial Interpretation of the Minimum Wage in Australia, by M. B. HAMMOND. *American Economic Review, June, 1913, Princeton, N. J.*

Throughout Australia, on the other hand, the principle of the minimum wage has now found general acceptance. Employers and employees there differ more or less in their views as to what is the best machinery for bringing the legal minimum wage into existence and securing its enforcement. Differences in opinion exist also as to the range of industries to which it should be applied. These differences in views have, some of them, found expression in party platforms, but few persons could be found today, in either Australia or New Zealand, who would challenge the statement that the principle of a legal minimum wage has been accepted as a permanent policy in the industrial legislation of that portion of the world. (Page 259.)

The Wage Earner and His Problem. JOHN MITCHELL. *P. S. Ridsdale, Washington, D. C., 1913.*

If we are to take facts in lieu of prophecies, where the minimum wage has been tried it has had the effect generally of raising wages. (Page 100.)

None of the predicted evils has followed the act. Employers as well as employees welcome it. It has apparently not increased the cost of production, although it has increased wages. Efficiency, however, it has increased. It has not only reduced the number of those who are on the margin of dependency; it has saved honest employers from dishonest and underhanded competition in arrangements with wage-earners. There has been no "leveling down." (Page 101.)

State Experiments in Australia and New Zealand. WM. P. REEVES. *Vol. II, Grant Richards, London, 1902.*

". . . I will point out that Victorian manufacturers have managed to thrive under it, and to regain the place which they held in 1890." (Page 47.)

"Whatever, therefore, the minimum wage law may have done, during the first 5 years in which it has been applied, it has not been generally ruinous or terrifying." (Page 48.)

The Economic Journal. Vol. XV, 1905. Report of Inspectors of Factories for the Year 1902. B. L. HUTCHINS.

This report is of special interest on account of the information it contains as to the working of the Wages Boards. Six boards were in the first instance created under the Factories and Shop Act, 1896.

Under the provisions of the Act of 1900, boards were created in twenty-one other trades during that year, and in eleven other trades during 1901. (Page 115.)

In South Australia the wages board for the clothing trade (which had been disallowed in 1901, not long after its first creation) had been recently revived, and full regulations have been made for the election and constitution of the board. (Page 117.)

We have also indirect evidence of success in the rapid extension of the system to one industry after another, and its adoption in the neighboring State of South Australia. (Page 118.)

Women's Work and Wages. A Phase of Life in an Industrial City. EDWARD CADBURY, M. CECILE MATHESON *and* GEORGE SHANN. *T. Fisher Unwin, London, 1906.*

In the colonies the people concerned seem to think these wages boards are on the whole a success, and undoubtedly they have raised the level of wages.

Determinations made by the above boards are now in force, with the exception of the Tinsmiths' Board. The determinations appear to be well observed, and the department has now comparatively little trouble in enforcing the rates fixed by the boards. (Page 296.)

Sweating. EDWARD CADBURY *and* GEORGE SHANN. *Headley Bros., London, 1907.*

Those who assert that such an act could not be administered and that collusion could not be prevented between masters and men, may be referred to Victoria and New Zealand.

Evidently the colonies are satisfied that they are working on right lines, and reports show that generally determinations and awards are well observed. (Page 129.)

Moreover, the fact that South Australia has followed Victoria with a system of wages boards and New South Wales and Western Australia have followed New Zealand with arbitration courts, and the initiators of these movements have strengthened and made permanent the act embodying these far-reaching methods of regulating wages, speaks well for the success of this legislation. (Page 132.)

. . . The same conditions of unregulated work produced similar sweated workers both in England and in the colonies. Thus the Australian experience, though on a comparatively small scale, may be taken as typical of the probable result in this country. (Page 133.)

Report to the Secretary for the Home Department on the Wages Boards and Industrial Conciliation Acts of Australia and New Zealand. ERNEST AVES, *London, 1908.*

Although, however, the volume of amending legislation that was in contemplation indicated that this fluidity of opinion existed, and that experience was still actively teaching fresh lessons, these very bills, coupled with those introduced in Queensland and discussed in Tasmania, seemed to have strengthened rather than weakened the widespread determination of Australasia to adhere, at any rate for the present, to the principle of a legal minimum wage. When this principle is acted upon in the interests of those who are considered most to need protection because they are in the greatest danger of being overridden through the stress of industrial competition, I think there is an overwhelming balance of opinion in favour of legislation directed to that end. The standard of a race is felt to be at stake, and there is what amounts almost to a national

determination to guard if necessary and if possible by legislation against at least the grosser forms of under-payment. Of these there has been some slight taste; but of them more is known and heard from the experience of older countries. Thus it has become part of the better conscience, alike of the Commonwealth and New Zealand, to insist on decent industrial conditions and, if necessary, to pass measures framed to avoid the repetition in a new land of at least this particular form of old-world trouble. (Pages 10-11.)

The Prevention of Destitution. SIDNEY *and* BEATRICE WEBB. *Longmans, Green & Co., London, 1911.*

Dealing at first only with sanitary conditions and hours of labor, the "National Minimum" is now coming to apply, in trade after trade, even to the rate of wages and the list of piece-work prices. (Pages 91-92.)

In New Zealand and Australia very nearly every wage-earner in very nearly every industry finds, under the Arbitration Courts and Wages Boards, this democratically prescribed "National Minimum" of wages, leisure and conditions of health and safety definitely guarding him against the possibility—not, it is true, of unemployment, but of being sweated—against having to submit to "earnings barely sufficient to sustain existence; hours of labor such as to make the lives of the workers periods of almost ceaseless toil; sanitary conditions injurious to the health of the persons employed and dangerous to the public." (Page 92.)

The Economic Theory of a Legal Minimum Wage, by SIDNEY WEBB. *The Journal of Political Economy, University of Chicago Press, December, 1912.*

The fixing of a minimum wage by law—making it a penal offense to hire labor at a lower rate than that fixed by law—is now an accomplished fact, of which the world has had half a generation of experience. In this matter of the legal minimum wage the sixteen years' actual trial by Victoria is full of instruction. Victoria, which is a highly developed industrial State, of great and growing prosperity, had long had factory laws, much after the English fashion. In 1896, largely out of humanitarian feeling for five specially "sweated" trades, provision was made for the enforcement in those trades of a legal minimum wage. . . .

Naturally, too, all sorts of criticism have since been leveled at the administration and working of the law; and over and over again eager opponents, both in England and on the spot, have has-

tened to report that it had broken down. But what had been the result? In the five sweated trades to which the law was first applied sixteen years ago, wages have gone up from 12 to 35 per cent., the hours of labor have invariably been reduced, and the actual number of persons employed, far from falling, has in all cases, relatively to the total population, greatly increased. Thus the legal minimum wage does not necessarily spell ruin, either for the employers or for the operatives. (Page 3.)

It has during the past sixteen years been incessantly discussed; it has been over and over again made the subject of special inquiry; it has been repeatedly considered by the Legislature; and, as a result, it has been five successive times renewed by consent of both Houses. Can it be that all this is a mistake? Still more convincing, however, are the continuous demands from the other trades, as they witnessed the actual results of the legal minimum wage where it was in force, to be brought under the same law. (Pages 3-4.)

I do not see how any instructed economist can doubt, in the face of economic theory on the one hand, and of the ascertained experience of Victoria and Great Britain on the other, that the enactment and enforcement of a legal minimum wage, like that of an ordinary factory law, positively increases the productivity of industry. (Page 14.)

. . . In this remarkable popular demonstration of the success of the Act, tested by the not inconsiderable period of sixteen years, extending over years of relative trade depression as well as over years of boom, some features deserve mention. First, the extensions have frequently—indeed, it may be said usually—taken place at the request, or with the willing acquiescence, of the employers in a trade, as well as of the wage-earners. What the employers appreciate is, as they have themselves told me, the very fact, that the minimum wage is fixed by law and therefore really forced on all employers: the security that the Act accordingly gives them against being undercut by the dishonest or disloyal competitors, who simply will not (in Victoria as in the Port of London) adhere to the Common Rules agreed upon by Collective Bargaining. (Page 5.)

. . . . There will still be people up and down the country who will go on saying that it is "impossible"—while it is in actual operation, not only in Australia and New Zealand and the United Kingdom, but under their own eyes. As a matter of fact, the authoritative settlement of a minimum wage is already undertaken daily. Every municipal authority throughout the country has to decide, under the criticism of public opinion, what wage it will

pay to its lowest grade of laborers. It can hire them at any price, even at 25 cents a day; but it must be rare that any such genuinely "competitive" wage is paid. What happens in practice is that the officer in charge fixes such a wage as he believes he can permanently get good enough work for. In the same way, the National Government of the United Kingdom, which is by far the largest employer of labor in the country, does not take the cheapest laborers it can get, at the lowest price at which they will offer themselves, but deliberately settles its own minimum wage for each department. (Page 22.)

Thus, the Admiralty is now constantly taking evidence, either through the Labor Department or through its own officials, as to the cost of living in different localities, so as to adjust its laborers' wages to the expense of their subsistence. The General Post-Office has just been doing the same thing on a very elaborate scale. And in our English local governing bodies, which employ, in the aggregate, more operatives than almost any single industry, we see the committees, under the pressure of public opinion, every day substituting a deliberately settled minimum for the haphazard decisions of the officials of the several departments. What is not so generally recognized is that exactly the same change is taking place in private enterprise. The great captains of industry, interested in the permanent efficiency of their establishments, have long adopted the practice of deliberately fixing the minimum wage to be paid to the lowest class of unskilled laborers, according to their own view of what the laborers can live on, instead of letting out their work to subcontractors, whose only object is to exact the utmost exertion for the lowest price. A railroad never dreams of putting its situations up to tender, and engaging the man who offers to come at the lowest wage; what happens is that the rate of pay of trainmen and roadmen is deliberately fixed in advance. (Pages 22-23.)

The Women's Industrial News, London, January, 1912. The Trade Board, DOROTHY M. ZIMMERN.

The fact that three Boards have already fixed rates, which in two cases are in force, and in the third will be so in a month's time, while the fourth Board has issued its proposals, and that all this has been done within two years of the passing of the Act, is a striking testimony to the wisdom of its promoters and a happy contradiction to the gloomy forebodings of those who feared that this method of dealing with the difficult problem of under-payment would be unworkable.

The experiment cannot, of course, be considered complete until the payment of the minimum rate has been in operation for some time, but it is already abundantly clear that the success of the Trade Boards and the minimum wage is assured, and that their application to other trades, in which the standard of wages is too low for the maintenance of a decent livelihood, is only a matter of time. (Page 14.)

Report of the Seventh General Meeting of the Committee of the International Association for Labor Legislation, Zurich, September, 1912. P. S. King & Co., London, 1912. The Working of the Trade Boards Act in Great Britain. CONSTANCE SMITH.

What conclusions may we venture to draw from the facts just summarized? This much certainly: that even in trades of a complicated nature the fixing of a minimum rate presents no insuperable difficulties, and that by the practical acknowledgment of representative employers a margin exists in the four scheduled trades, which makes leveling up of wages to the standard of the better-paying employers possible. So much for the legislative side. As regards administration, the experiment has not been carried far enough to afford adequate data for the formation of a final judgment . . . We can, even at this comparatively early date, claim for the experiment such success as entitles us to press very earnestly for the bringing of other sweated industries or branches of industry within the beneficent scope of the Trade Boards Act. A number of such industries anxiously await their inclusions in the schedule. Where claims are so many and so strong, it is difficult to decide which should have right of priority. But among those which may perhaps be taken to exhibit at once the greatest need and the greatest aptitude for the application of this special remedy are the remaining clothing trades. . . . Such industries as hollow-ware and brick-making, which, if not so completely localized as the making of chain, yet occupy a definite and somewhat narrow belt—stretching from the Midlands westward; and the warehouse trades—the jam-making and biscuit-making and chocolate-making and tea-packing which employ so vast an army of women at rates on which "living" in any decent sense is out of the question. (Pages 153-154.)

The Economic Journal, September, 1913, London. The Trades Board Act at Work. S. C. MOORE.

It is somewhat early to write about the result of the Trades Board Act, but in view of the proposals to bring other trades

within its scope immediately the earliest effects are worth noticing. For this reason I think that some facts collected by the Hebden Bridge branch of the Amalgamated Union of Clothing Operatives are of great interest. Hebden Bridge is a small town in the West Riding of Yorkshire, and is the chief center of the fustian trade in this country. As a considerable amount of fustian is made up into clothing in the factories of the district, and this branch of trade comes under the Trades Board, it offers a favorable opportunity for observing the working of the Act. The trade is confined within a small area, and to quite a limited number of firms all engaged on the same class of work, the number employed being about 3000, nearly 400 of whom are men or youths. (Page 442.)

I think it is quite clear that the Trades Board Act has done three things for the clothing trade of Hebden Bridge:

1—It has lessened the hours of labor for everybody in the trade.

2—It has raised the wages of men, but has not affected women's wages.

3—It has helped to create a new spirit among the men.

There had been suggestions for shortening hours previously but nothing had come of them, but before the Act actually came into force the employers decided to reduce the hours to 52, without any alteration in wages. This reduction of hours applied to all work people, so that if a man has not received an actual increase in wages, he has received what is equivalent to a higher rate per hour; therefore, the Act has been a direct benefit to every man and youth in the trade. The women and girls are all employed on piecework, but as their rate of pay yields a very much higher wage than the minimum of 3¼d per hour, the Act has not affected them directly in any way. It might have been expected that the reduction of hours would have lowered the wages of women, but that does not appear to have been the case. There is a general opinion that quite as much work has been done in the 52-hour week as in the 58. This would be difficult to prove, because comparisons made with the first half of 1912 are not of much value, owing to the disturbance caused by the coal strike. I have before me the report and balance sheet of the Fustian Cooperative Society for the half-year ending June, 1913, and the increase of trade done in their factory over any previous half-year bears out the general opinion. (Page 443.)

The figures given above represent about 70 per cent. of the clothing trade in the district, and may be taken as typical of the whole. Apart from the general state of prosperity in which

it shares, and the high price of cotton goods, there is nothing abnormal in the industry at the present time. There seems to have been no disturbance of prices, and the changes have come almost without being noticed except by the persons concerned. (Page 447.)

The Women's Industrial News, London, July, 1913. Extending the Trade Board's Act. J. J. MALLON.

The Trade Board's experiment is about to take a great leap forward. In the trades already under Boards much tidying-up has still to be done: for instance, the smooth operation of the minimum rates among outworkers in the wholesale tailoring and paper box making trades depends upon the possibility of compiling general minimum piece rates for them, a task upon which both Boards are now engaged. But about the substantial success of the Boards in their first application there is no longer any question. Everywhere they have succeeded in considerably raising the lowest levels of wages, in forwarding organization among both employers and workers, and in diverse and subtle ways releasing and stimulating forces that make for the efficient and humane development of their trades. The case for an extension of the Trade Boards Act is therefor irresistible and the Boards of Trade have not contested it. (Page 135.)

The Church and Citizenship. R. LATTER. *A. R. Mowbray & Co., London, 1913.*

A beginning has been made in the institution of Trade Boards, which are succeeding in the few trades in which they are in operation, in legally fixing a minimum rate of wages. (Page 37.)

What has been done in four trades, in the two years since the Act was passed, could of course be done for other trades; and we should aim at an extension of the Act. There are difficulties, but it has been shown that they are not insuperable. (Page 38.)

Sweated Labour and the Trade Boards Act. Catholic Studies in Social Reform—Manual II, Edited by the Rev. THOMAS WRIGHT. *P. S. King & Son, London, 1913.*

The general result of the operation of the Trade Boards Act must accordingly be allowed, even by the most critical, to be exceedingly satisfactory. (Page 72.)

The truest guarantee of the genuineness of the benefits wrought

by the Act is that, as mentioned above, its operation through the past four years has given ample justification for its extension to four additional sweated industries. (Page 73.)

In the four originally scheduled trades, viz: ready-made and wholesale bespoke-tailoring, paper-box making, the finishing processes of machine-made lace, and chain-making, the capitalists have been compelled to own that sweating is not an essential condition of their industries, and that a minimum living wage is not inconsistent with a fair dividend, and the operatives have been in each instance materially assisted, the increase of wages in one case being sufficient to alter the entire tone of their existence. Thus have legislators been persuaded that the English law embodies a measure replete with promise for the mitigation of an evil which, insofar as healthy men and women are more valuable to national security than the swollen returns of booming trade has through generations worked untold havoc upon a multitude of the nation's citizens. (Page 63.)

The Woman's Industrial News, London, January, 1913. The Trade Boards. DOROTHY ZIMMERN.

It is clear that the result of the three years' work under the Act has proved beyond any doubt the practicability of the methods established. Various regulations have been made to meet the varying conditions of the trades scheduled, and the question is now no longer, shall these trades remain scheduled, but, what new trades shall be added to the list? There is indeed already a long waiting list. In the Midlands the natural effect of the establishments of the Chain Trade Board has been to rouse the hopes of neighboring workers. (Page 103.)

Sixth Annual Report, National Anti-Sweating League, Manchester, 1913.

CHAIN MAKING.

In the Cradley Heath District the experience gained since last year justifies the sanguine view taken in the Report of 1911. There have been some attempts to evade the Trade Board rates, but since a middleman who had committed three offenses under the Act was fined penalties amounting in all to £34, the local taste for evasion has been carefully controlled. . . .

In short, the success of the experiment at Cradley Heath is now assured. The workers are getting rates that, in the cheapest qualities of chain, give them increases of from 50 per cent. to 100 per cent., and what is significant is that they are now applying for and are likely to get an enhancement of the rate.

Indeed the effect of the Trade Board upon these neighboring trades is one of the most striking features of the experiment; i. e., "hollow-ware" and brick workers. . . . There is, indeed, no element lacking in the triumph at Cradley Heath. The women seem different beings from the inert and sunken people who attended meetings in pre-Board times, and the proprietors of shops in the district tell how their sales have expanded under the genial influence of the new conditions, imperfect though they may be admitted to be. (Pages 4-5.)

PAPER BOX TRADE.

The rate of 3d an hour fixed for this trade did not become obligatory until three weeks ago, and it is too soon to pronounce upon the degree in which it is being loyally accepted by the manufacturers. All the indications point to such acceptance. After initial hostility the Employers' Federation has decided to assist actively in the enforcement of the minimum rate and of the other Trade Board conditions, and their representatives are at present working amicably with those of the workers to secure satisfactory administration.

It is interesting to note that many of the employers admit that the result of the Trade Board award has been already to call their attention to many instances of waste and leakage in their establishments. While the rate was in partial operation cardboard factories have been carefully overhauled, and a new tidiness and efficiency have entered into them. (Page 7.)

Summing up it may be said that all the minimum rate of wages so far fixed are substantially better than the preceding rates and that in one of the trades, chain making, enforcement of them has been attended with complete success. In the other similar trade at Nottingham a like result is to be expected in the near future, when administration is stricter and the industry more prosperous. In the larger trades, having regard to the nature of the work, the minimum rates are less satisfactory than might have been expected, though to the increases in mere wages must be added the removal from the workers of the payment for sundries necessary to their occupation, as paste and glue in the case of the tailoress. Further, the limitation of the employment of young people in the scheduled trades and their greater protection from exploitation, the impetus given by the Boards to organization and the greater care of the worker on which the new condition insists are of considerable value in themselves and in their reaction upon the prosperity of

the trades. All this taken together seems justification enough of the Trade Boards Act, and makes an irresistible case for the extension of the Act which during next year the League will vigorously demand. (Pages 10-11.)

(2) BENEFIT TO COMMERCIAL PROSPERITY.

The operation of the legal minimum wage has not interfered with the commercial development of the countries in which it has been established. On the contrary the number of factories and workers has steadily risen.

Report of the Chief Inspector of Factories and Shops of Victoria, 1913.

STATE OF TRADE.

The following figures show the number of factories and the workers therein since the Factories and Shops Act, 1885, came into force:

No. of Factories	Persons Employed	Year Registered
1,949	39,506	1886
2,182	41,083	1887
2,383	43,288	1888
2,522	47,223	1889
2,507	47,813	1890
2,548	46,649	1891
2,443	40,319	1892
2,243	35,263	1893
2,515	34,268	1894
2,573	36,027	1895
3,370	40,814	1896
3,739	45,178	1897
6,777	45,844	1898
3,895	49,546	1899
4,050	52,898	1900
4,238	56,945	1901
4,252	59,440	1902
4.325	57,767	1903
4,436	60,977	1904
4,623	63,270	1905
4,766	67,545	1906
5,003	71,968	1907
5,143	76,210	1908
5,248	79,348	1909
5,362	83,053	1910
5,638	88,694	1911
7,750	104,746	1912

(Page 5.)

A Country Without Strikes. HENRY D. LLOYD. *Doubleday, Page & Co., New York, 1900.*

But the briefest and most convincing argument for disabusing the mind of any one who may fancy that the New Zealand Arbitration Act has hampered industry is to be found in the following figures, which give the hands employed in the registered factories of the colony for the last five years. It may be explained that "factory" in New Zealand means workshop, small or large, and that registration is universal.

Year	Hands Employed	Increased
1895	29,879	4,028
1896	32,387	2,508
1897	36,978	4,531
1898	39,672	2,754
1899	45,305	5,633

(Pages 11-12.)

Royal Commission of Inquiry Into the Working of Compulsory Conciliation and Arbitration Laws, Legislative Assembly, New South Wales. Sydney, 1901.

Generally, I should say that my investigations showed that, with possibly one exception, industries have not been hampered by the provisions of the Act. To attempt to decide whether capital under other conditions would have been invested in particular industries is to undertake a task which has merely to be mentioned to show its impossibility. No doubt general statements were made that this abstention had been practiced, but I found it more than difficult to get specific instances. Any cases which were mentioned, an investigation hardly bore out the view put forward. For instance, I was told of the delay in the building of a shirt factory at Auckland; but the factory is now up and in full working order, and it was one of my pleasantest official sights, when going over it, to see the large number of healthy girls working under conditions which seemed almost perfect. (Page 762. 15.)

Mr. Wiseman, saddler, of Auckland, it was said, had largely contracted his business after an award. The facts found to be these: When the award affecting his business was made, he discharged twenty (20) hands, as he considered they were not able to earn the wage fixed; one was subsequently taken back, and now about as many hands are employed as were engaged before the decision of the court. I presume New Zealand, notwithstanding its prosperity for some time, has had its profitless speculations, notably among the companies which were floated in such large numbers to dredge for gold—many of which have returned very

little, and give prospect of returning less—but I was not able to fix any venture the starting of which the Act prevented, or the continuation of which it stopped. (Page 762.)

I found it impossible to trace the effect of all the awards, the time at my disposal being too short, but in the principal industries affected I made it my business to see in what state they are. The building trades are a very fair indicator of the general prosperity of a community, and in New Zealand they have been as much involved in disputes since the coming into force of the provisions of the Act as another industry, if not more involved. Generally the effect of the awards has been in favor of the men, granting shorter hours, higher wages, and other benefits. Certainly no one can say that up to the present the contractors have suffered. Building appears to be going on everywhere, and there seems to be more work than the men are able to do. I interviewed representatives of the Builders' Associations at Wellington, Christchurch, and Auckland, and they almost unanimously expressed approval of the principle of the Act. (Page 762. 16.)

The clothing industries, although awards regulated them, I found in a high state of activity. Mr. Blackwell, the managing director of the Kaiapoi Company, told me that they had great difficulty in keeping pace with the orders, and Mr. Clarke, of Auckland, said that his firm had a standing advertisement for fifty hands. There was the same prosperity in the iron trades, but from what I heard just before leaving, it would appear that the wave of prosperity in these trades has reached its height and that, gold dredging having been overdone, there may now be a period of depression, but I do not think the working of the Act has affected them. (Page 763. 17.)

Report of Chief Inspector of Factories of Victoria, 1901.

STATE OF TRADE.

These figures clearly indicate the steady increase of the manufacturing trade of the State. Since 1896 increased employment has been shown year by year, as a rule of some thousands, but in 1898 of only a few hundreds. There are now over 9,000 more persons employed in factories than there were during the height of the land boom.

Since 1894 the number of persons employed in factories have increased by 22,677 and I find from the wages supplied to me by the manufacturers that these 22,677 employees would earn over £1,379,000 a year, if they worked full time. Of this £1,379,000

increased wage fund over £300,000 was due to improvement of trade during 1901. (Page 6.)

STATE OF TRADE.

Report Mr. J. E. Billingham.

The year has been an important one, owing to a large number of trades having been brought under the Act. The statements generally made that the application of the Act would result in the closing of many places of business have not been borne out by actual experience. It is true that many businesses have changed hands, and that some have been closed and not re-opened, but this is a natural result, not of the application of the special boards' determinations, but due rather to various causes to which trade generally is subject.

In all centres of population a certain percentage of businesses close each year, and to attribute such closing to the application of the Act is unjust.

I know that many manufacturers highly approve of the Act, and though some sensitive ones regard it as inquisitorial in its operation, yet have admitted (though reluctantly) the justice of its requirements, and that if similar legislation was uniform throughout the Commonwealth, and all working under same industrial conditions, general satisfaction would result. (Page 8.)

It will be seen that the minimums fixed by this Board are low as compared with other Boards, yet for some months a determined effort has been made by a small section of the trade to convince the public that the jam trade would be ruined and the price of fruit greatly lowered in consequence of the Board system having been applied to the trade.

I have the assurance of employers engaged in trade that there is no foundation for such statements, and that the price of fruit has not been in the slightest affected by the determination. (Page 27.)

Report of Chief Inspector of Factories of Victoria, 1909.

BOOT TRADE.

The minimum wage for adult males in this trade has been raised gradually during the past ten years from 36s per week of 48 hours to 48s per week. This is, indeed, a striking instance of improvement in a trade and in the position of the workers. The leading manufacturers declared, in 1897, that the trade would be seriously injured if the minimum was fixed at 45s, and satisfied

the Department that such was the case, yet by 1908 the minimum wage is raised to 48s without objection on the part of employers. (Page 23.)

Annual Report of the Department of Labor, New Zealand, 1910. New Plymouth. Annual Report of Harry Willis, Inspector of Factories, to Chief Inspector of Factories.

RETAIL AND MANUFACTURING TRADES.

Manufacturers and retailers have no cause for complaint at the amount of business done during the year just ended. Indeed, it is acknowledged by the majority of them that, compared with previous years, the turnover has been very satisfactory.

On the whole, the year just ended will bear very favorable comparison from the point of view of prosperity and progress with any of its predecessors. (Page 42.)

The Labour Movement in Australia. [*A Study of Social Democracy.*] *By* VICTOR S. CLARK, Ph. D. *Archibald Constable & Co., London, 1907.*

The impression the country makes upon a visitor is not that of a land where industry is paralyzed and business stagnated, but rather the reverse. Permanent and costly buildings are being erected in the larger cities, public improvements are going forward, the wharves are crowded with shipping, the railway service is fully occupied. . . . There are few evidences of excessive unemployment. To a person studying in Australia, the economic argument that a country will be industrially ruined by state regulation is not convincingly demonstrated. (Page 219.)

Report to the Secretary for the Home Department on the Wages Boards and Industrial Conciliation Acts of Australia and New Zealand. ERNEST AVES, *London, 1908.*

It is noteworthy that in reply to the general question as to whether there was personal knowledge of any cases—employers or employed—of those who have been driven out of the trade by the Wages Boards' determinations that, without any restriction as to period, or limitation either to any particular class of person or cause of displacement, 49 out of 82 are able to reply in the negative; and it is still more significant, partly of the great prosperity of the time, and partly of belief in the Special Boards system,

that 21 out of 25 of those representing the employees give this answer.

As regards employers very few instances either of migration or of failure and retirement reached me. (Page 61.)

Little or nothing is now heard, however, of the risk which the Boards may involve to the development of the State's industries, but the view is by no means unrepresented that this development would have been greater under a freer system. The assertion, however, like its denial, cannot be proved to be false. Those who hold the opinion hold it, it may be noted, less strongly now than formerly in its connection with the other States of the Commonwealth, owing to the tendency for similar legislation to become more general throughout the Commonwealth. (Page 61.)

Woman in Industry. Chapter 2. The Minimum Wage. CONSTANCE SMITH. *Duckworth & Co., London, 1908.*

The principle of the minimum rate is no new principle in this country. In all government works fixed minimum rates exist for the different classes of labor employed. The great organized trades have, by means of collective bargaining, succeeded in fixing such rates for themselves. There is such a rate in the mining industry, in the engineering industry, and in the cotton trade. Other trades, less completely organized than these, have succeeded in setting up similar standards by means of arbitration under the Board of Trade, when the arbitrator has fixed piecework rates—even for so complicated an industry, subject to constant change and dependent on the demands of fashion, as the Nottingham lace trade, with conspicuous success both as regards the maintenance of peace, the prosperity of the industry, and the satisfaction of the workers. (Page 44.)

What has been the effect of Wages Boards in Victoria during the eleven years since they first came into existence? As far as it is possible to judge in so limited a period, they have been steadily beneficial to the worker, while at the same time they have not injured the employer. Indeed, their growing popularity with employees is one of the most powerful recommendations that can be offered on their behalf. The first Wages Boards Act was passed for four years only in the teeth of considerable opposition from the representatives of employers in the Legislature. But, when the time came for the renewing of the Act, some of its leading opponents of the employer class were eager to secure its enactment, and it is owing to their attitude that the Act has now been made permanent. (Page 45.)

One point should be specially noted. Along with the gradual rise of wages and the multiplication of Boards, there has gone no diminution of prosperity in Victoria. The latest report of the Victoria Chief Inspector of Factories records, from district after district, the news that trade is flourishing and employment plentiful. . . . Such a system is not necessarily injurious to a country's trade. (Page 49.)

The Economic Theory of a Legal Minimum Wage, by SIDNEY WEBB. *Reprinted from the Journal of Political Economy, University of Chicago Press, December, 1912.*

It is difficult to believe that the enforcement of a legal minimum wage in all these hundred different industries employing 110,000 persons (being with their families more than a quarter of the entire population of the State), has interfered with the profitableness of industry, when the number of factories has increased, in the sixteen years, by no less than 60 per cent., and the number of workers in them have more than doubled. Certainly, no statesman, no economist, no political party nor any responsible newspaper of Victoria, however much a critic of details, ever dreams now of undoing the minimum wage law itself. (Pages 5-6.)

The Living Wage. PHILIP SNOWDEN, M. P. *Hodder & Stoughton, London, 1913.*

THE WAGES BOARDS.

What effect, it may be asked, has this Wages Board Act had in raising wages? The answer to that has, in fact, been given already, in the statement that trades have clamoured to come under the operation of the Act. But a few actual details may be given. Since 1896, when the Act, in a small way, was first passed (in Victoria), wages have risen by from 12 to 35 per cent., and the hours of labor have been reduced. The prosperity of the Colony has been marked in the years which have passed since this legislation was first enacted. Since 1896 (the year when the first Act was passed), the revenue of Victoria has risen from £6,400,000 to £10,700,000. The savings bank investments have risen from £4,300,000 to £15,400,000. The receipts from the state railways have increased from £2,400,000 to £4,443,000. The number of marriages have risen from 4,700 to 10,200. It may be said that this extraordinary expansion of the Colony since the Minimum Wage Act was passed is not altogether due to its operation. That may be so, but these facts at least prove that the minimum wage has not ruined the country or arrested its development. In the same

period the number of factories has risen by 60 per cent., and the number of workers employed in them has more than doubled. Victoria is now industrially the most important State in the Commonwealth. (Pages 113-114.)

IN AUSTRALIA.

All this legislation has been largely experimental. It has had to deal with the most difficult of all problems, namely, those in which there is a most intricate interplay of influences, and in which human passions largely enter. There have been failures, as there must always be in such efforts, but the general results have been highly satisfactory and where failure has occurred it has been mainly through defects in the machinery, which experience can amend. The attacks which are made upon the system do not touch its central principle. The one sufficiently convincing testimony to the general appreciation of the legislation is the fact that in no one instance has such legislation been repealed. Amended the legislation has often been, but in no case has any community which has tried the State regulation of wages questions gone back to the old barbarous method of unrestricted competition and unregulated industrial conflicts. (Pages 115-116.)

The results which would follow the payment of higher wages—the cheapening of the cost of production, the greater use of machinery, the better organization of the factory and the business—would have a consequential effect on the employment of labor. Though the output of work per workman would be increased, there would be more and not less employment. Low wages mean small purchasing power. A general increase of wages would enormously increase the demand for goods, and every staple trade in the country would be greatly stimulated. With the increased purchasing power the working class would become in larger measure the patrons of reasonable enjoyments which they cannot now afford, and by that, further employment would be provided. The economic and social effect of increased wages would be beneficial all round. (Page 148.)

(3) BENEFIT TO WAGES.

Statistics prove that the establishment of a legal minimum wage has resulted in increased wages, especially to the worst paid workers.

Newest England. HENRY DEMAREST LLOYD. *New York—Doubleday, Page & Co., 1900.*

Under the Victorian law, up to the time of the last report of the Chief Inspector of Factories, June 1, 1899, for the year 1898,

the five special boards had made awards affecting 10,635 employees, and had increased their wages by an amount estimated at $500,000 if they worked full time. In the baking trade the minimum was fixed at one shilling, 25 cents, an hour for men and five shillings a week for apprentices. This was an increase on the average of $3.75 a week for the men. There was no increase in the price of bread to the consumer. In the clothing trade the minimum was made 7s 6d, $1.87, a day of eight hours for the men and 83 cents for the women. The average wages of 4,484 employees were increased 68 cents a week, with no increase in the price of clothing—a result which the chief inspector considers "little short of astounding." (Page 238.)

State Arbitration and the Minimum Wage in Australia. H. W. MACROSTY. *Political Science Quarterly, Vol. 18, Boston, 1903.*

Up to 1895 trade had been depressed in Victoria; since that time it has gradually recovered. To that extent the rise in wages may be attributed to general trade conditions, but no other trades show such remarkable increases as those granted by the special boards. The average wage in the printing trade, an industry which is a barometer of prosperity, was in 1897 27s 3d and in 1899 27s 4d. The average wage in the dressmaking trade was 11s 1d in 1897 and 10s 11d in 1899; in biscuit-making 18s 3d in 1897 and 16s 3d in 1899—result which may be with advantage compared with the wages in cognate trades under special boards. Although the employment figures of the regulated trades show a steady rise, industry has not been in the flourishing condition, which has prevailed in New Zealand but, while improving, has been on the whole dull. We are, therefore, by the experience gained in Victoria, able to discount the criticism leveled at the New Zealand success that it is due entirely to the prosperity of the colony. In good times and dull times, we learn that regulation of wages is possible. (Page 133.)

In all the trades under the newer boards the same story is told of increased wages, of the decrease of sweating, of the general prevalence of average wages considerably above the fixed minimum and of the resultant better organization of industry. The general opinion of employers after experience of the new conditions is that they would not return to the old. Of course there has been friction. The employers' representatives on the Woolen Trade Board objected to one of the men's representatives since he was not practically acquainted with the trade, but after some

months' negotiations the difficulty was settled and a "determination" embodying fifty rates of wages is now in force. (Page 135.)

On the whole, while we must admit that there has been a considerable amount of friction in the working of the Victoria wage boards, there has not been more than might reasonably have been expected. Administrators tackled the hardest part of the industrial problem first and gained their experience by dealing with the chaotic sweated trades instead of with those which had received a fair stage of organization and where employers and employed were trained to negotiation. (Page 136.)

Quarterly Journal of Economics, Vol. XVII, 1903. A. S. WEBER. *The Report of the Victorian Industrial Commission.*

BREAD-MAKING AND BAKING BOARD.

The average week wages of men and boys employed in the trade was reported by the Chief Inspector of Factories to be 32s in 1896 before the determination, 37s in 1897, 40s in 1898, 42s in 1899, 44s in 1900, and 42s in 1901. Judged from the employees' return of wages, therefore, the minimum wage law was a marked success, for it had increased the average wage by about 30 per cent. (Page 625.)

THE FURNITURE BOARD.

The first determination, which became effective April 19, 1897, fixed 7s 6d a day or 45s ($11.25) a week, as the minimum wage of experienced male employees, and 20s ($5) as that of experienced female workers. In October, 1898, the men's minimum was advanced to 8s ($2) a day, and in August, 1900, the scale of wages of improvers was amended without change in the minimum for skilled workers.

The wages returns of manufacturers (*European) reveal an advance in wages since the determination took effect, thus:

Oct. 31	Males		All Adults		Females	
1896		29s 7d				14s 1d
1897		35s 8d				
1898	679	36s	441	47s 1d	50	19s
1899	754	38s 10d	497	49s 2d	88	15s 3d
1900	737	40s 5d	511	50s 1d	47	13s 3d
1901	795	40s 2d	541	50s 7d	56	18s 1d

(Page 626.)

* As distinguished from Chinese.

MEN'S CLOTHING.

The manufacturers' returns of wages to the Chief Factory Inspector reveal the following changes in the average wage since 1896:

	MALES		FEMALES	
	No. Employed	Average Weekly wage	No. Employed	Average Weekly wage
1896	782	35s 3d—$ 8.81	2,601	15s 5d—$ 3.85
1897	990	35s 8d— 8.91	3,339	15s 8d— 3.91
1898	939	39s 6d— 9.87	3,545	18s 3d— 4.56
1899	1,024	39s 5d— 9.85	3,940	18s 6d— 4.62
1900	902	42s 4d— 10.58	3,935	18s 1d— 4.52
1901	1,093	40s 5d— 10.10	4,062	18s 3d— 4.56

(Page 631.)

Muslin Undergarments.

The attitude of the Commission may be comprehended from the following passage: "In a third case a shirtmaker doing machining only, got from 1s 7d to 2s 2d per dozen and got through a dozen by working 12 to 13 hours. Her average earnings were 1s 7d a day. If these low rates, with the inevitable accompaniment of extreme poverty, and too often ill health arising from excessive hours of work and lack of nourishing food, are contrasted with the condition of affairs recorded in 1901 when the average wage of all women in the trade was set down at 16s 10d a week, while 134 earned on the average 20s 8d per week, it will be admitted as a fact beyond dispute that in this trade the factory law has broken down a hideous form of sweating and protected in no small degree an industrious and deserving class of women." (Page 636.)

Other Boards.

As the operation of the minimum wage law of 1896 was on the whole so successful, among the amendments to the factory law in 1900 was one providing for the establishment at once of a seventh board to fix mimimum wages for butchers.

In 1900 resolutions passed the legislative assembly in favor of the establishment of special wage boards in 22 additional industries.

At one 1901 session of Parliament, 11 additional boards were authorized, making a total of 38 special wage boards. (Page 637.)

The Commission accepts the principle of wage regulation, and declares that there cannot, in the circumstances of the time, be any return to the old conditions of freedom of contract in factory labor. (Page 640.)

Bulletin of the United States Bureau of Labor, No. 56. Labor Conditions in Australia, by Victor S. Clark. *Washington, 1905.*

Concomitant with the existence of the minimum wages law, whether due to its influence or not, there has been a healthy increase in the number of factory workers as compared with the

years immediately before the Act went into operation, and even in comparison with the years of the previous boom. In 1902 there were 4,252 registered factories in Victoria, with 59,440 operatives, an increase of 2,495 operatives over the previous year, and of 11,627 operatives over the most prosperous year (1890) of the last boom period. Except in three occupations, where there has been a recent increase in the proportion of female and juvenile workers, the rate of wages has uniformly risen since the boards went into operation. The following table of average wages is taken from the report of the State Inspector of Factories for the year ending December 31, 1902:

AVERAGE WEEKLY WAGES IN TRADES UNDER BOARD DETERMINATIONS IN 1902 AS COMPARED WITH AVERAGE WAGES BEFORE DETERMINATIONS WENT INTO EFFECT.

Trade	Before Determination Went Into Effect	1902	Increase
Bedstead makers	$ 7.83	$ 8.39	$ .56
Bookbinders	4.81	5.37	.56
Bootmakers	5.64	6.87	1.23
Breadmakers	7.91	10.42	2.51
Brewers	8.35	9.63	1.28
Brickmakers	10.12	11.13	1.01
Brushmakers	5.62	6.47	.85
Butchers	9.17	9.81	.64
Cigar makers	7.36	8.09	.73
Clothing makers (men's)	4.87	5.45	.58
Confectioners	4.12	5.09	.97
Coopers	8.66	10.56	1.90
Engravers	8.98	12.13	3.15
Furniture makers	7.08	9.61	2.53
Jam makers	5.15	4.62	.53*a*
Jewelers	8.23	10.02	1.79
Maltsters	10.00	10.97	.97
Mantelpiece makers	8.15	10.67	2.52
Millet broommakers	6.79	8.13	1.34
Pastry cooks	7.50	6.96	.54*a*
Plate glass makers	6.69	8.68	1.99
Potters	6.83	8.84	2.01
Printers (city)	8.96	9.49	.53
Printers (country)	7.54	8.05	.51
Saddlers	6.59	8.54	1.94
Shirt makers	3.51	3.49	.02*a*
Tanners	7.73	8.64	.91
Underclothing makers	2.74	3.08	.34
Wickerworkers	5.58	6.37	.79
Woodworkers	8.07	10.63	2.56
Woolen goods	4.97	5.19	.22

a Decrease.

The following statistical appreciation of the effect of the Victorian Factories Act upon wages is summarized from T. A.

Coghlan's Australia and New Zealand, 1902-3: There has been a general increase in the pay of male labor equivalent to 19 per cent. and of female labor to 17 per cent., or about 5s 9d and 2s 3d ($1.40 and $0.55) per week, respectively, in occupations under the determinations of the boards. The comparative average weekly wages of workers of various ages in regulated and unregulated trades in Victoria are as follows:

WAGES PAID IN VICTORIA TO EMPLOYEES IN TRADES REGULATED BY SPECIAL BOARDS AND IN OTHER TRADES.

Age	Trades under Boards		Other Trades	
	Males	Females	Males	Females
13 years	$ 1.48	$ .97	$ 1.58	$ .87
14 years	1.58	1.05	1.83	1.03
15 years	1.85	1.24	2.13	1.07
16 years	2.19	1.56	2.60	1.34
17 years	2.84	2.03	3.16	1.72
18 years	3.57	2.76	3.97	2.15
19 years	4.52	3.08	4.70	2.58
20 years	5.58	3.73	5.52	2.88
21 years or over	10.77	4.81	10.20	4.24
All ages	8.70	3.87	7.56	3.08

The wages of boys and youths are uniformly lower in the regulated than in the non-regulated trades; but for adult male workers and for all female workers wages are in every case higher in the regulated occupations. The difference of $1.14 in favor of male workers of all ages in the regulated trades is greater than an inspection of the figures immediately preceding would lead one to expect, and is due to the fact that in the regulated trades three-fourths of all workers are adults, whereas in other trades the proportion is not more than three-fifths. (Pages 70-71.)

Report of Chief Inspector of Factories of Victoria, 1900.

CLOTHING BOARD.

The average wage for males was £1 19s 6d, and for females 18s 3d. Last year the average wage for males was £2 2s 4d, and for females 18s 1d. The average wage for the whole trade in 1896 was £1, last year it was £1 2s 6d. For adult males the average was £2 8s 6d; for females £1 1s 3d.

In the short space of three years the whole circumstances of the trade have been changed. No complaints are now heard of gross sweating, or of clothes made in miserable homes for a more miserable wage. Many of the difficulties to which I referred in my report of 1898 have disappeared. The Department has little trouble in enforcing the determination of the Board. The average wage paid will show that the majority of the men and women employed receive more than the minimum wage. (Page 17.)

Report of Chief Inspector of Factories of Victoria, 1901.

THE SHIRT BOARD.

In 1896 before the determination came into force the average wage for females was 14s 5d per week, in 1900 and also last year it was 14s 8d, or an increase of 3d per week for every employee in the trade. The average wage of adult females was 16s 1d in 1900 and in 1901 16s 10d. The average increased wage of 3d as compared with 1896 is not very great, but I find that in the latter year there were only 20 girls employed between the ages 13 and 15 inclusive, whereas last year there were 83. We have thus an increase of over 300 per cent. in juvenile labor and, notwithstanding this, an increase in the average wage of the trade. An examination of Appendix B will show that the 134 women who are employed at the minimum wage or more received an average of 20s 8d per week, which is certainly a high wage for what was once a sweated trade. (Page 36.)

Report of Chief Inspector of Factories of Victoria, 1901.

PASTRY COOKS' BOARD.

Mr. Ellis reports:

Great satisfaction is expressed by these men at being brought under the determination at last. These tradesmen have been long suffering and thoroughly appreciate the benefits they now enjoy under it. How ever their claims to inclusion were so long overlooked is a mystery. Bread-makers also participate in the advantages by the passing of this determination, as whilst before they were paid 13½d per hour for making bread, they were at the mercy of their employer, who could pay them what he thought fit whilst engaged in making pastry.

I am sorry to state that some of the employers availed themselves of this opportunity to the disadvantage of the men. This industry is improving; the cheapness and style in which the articles are turned out seem to meet a public want. The majority of housekeepers at the present time when the supply of domestic servants seems limited, find that making pastry takes up too much of their time and are glad to be able to purchase what they want so reasonably. Numerous shops are being opened in nearly all the suburbs for selling pastry only and appear to do a fairly good business. Very few apprentices are to be found in this trade. Proprietors are already complaining of the difficulty of obtaining them; and they state that if this continues they will be compelled

to send home for skilled workmen as the number of really good men is very limited. (Page 31.)

Report of the Royal Commission to Investigate and Report on the Operation of the Factories and Shop Laws of Victoria. Melbourne, 1902-3.

THE WORKING OF THE LAW IN VICTORIA.

THE CLOTHING BOARD.

The employees stated that wages had been considerably increased under the board's determination and that the operation of the law in this respect had been a distinct gain to both sides, inasmuch as good employers were not now pitted against unfair and unreasonable masters. They viewed with great alarm any proposal to suspend the system of fixing wages by law, fearing that the inevitable result would be a relapse into sweating. One worker said that the act had been distinctly beneficial to her. Before the rates were fixed, she used to work twelve to sixteen hours a day, and the weekly average of her earnings was 12s 6d, while the minimum rate was now 20s. The same conditions prevailed as before, but they got higher wages, and the methods of manufacture had been improved to meet the extra cost. (Page XL.)

Report of Chief Inspector of Factories of Victoria. 1909.

CARDBOARD BOX TRADE BOARD.

Miss Cuthbertson reports:

This determination appears to be working very satisfactorily. Piece-work rates are paid generally to female employees, and these rates seem, in the majority of instances, to be fixed on a very fair basis, so that a fair remuneration can be earned. Before the determination came into operation the average wage earned in the trade was 15s 9d; but under the determination, which employers concede is only a reasonable one, the average rose to 18s 1d. This is not anything extraordinary, taking into consideration the fact that all the men employed in the trade are included; but it shows a vast increase on the rates prevailing before the determination of the wages board, and must mean a good deal in increased comfort in their method of living to the people concerned. (Page 32.)

Evidence Taken Before the Select Committee on Home Work, House of Commons, London, 1907.

Clementina Black (representing the Anti-Sweating League and the Women's Industrial Council):

2962. If you had a wages board, do you agree with Miss Macarthur that the employers would all be competing as to who should pay the highest wage?—I did not hear Miss Macarthur say that.

2963. Miss Macarthur informed the committee that the employers told her they were all willing to pay higher wages if others would do the same.—Oh, yes.

2964. Are you of that opinion?—I think that an employer always says that he is willing to pay the highest wages paid, and he generally hopes that you will not be able to prove that he is wrong; but I think it would generally be found that the best employers would aim at getting the best workers by paying higher wages, as they now do.

2965. Do you think a wages board would have the effect of raising wages?—If it is administered in what I consider a proper manner, I do not see how it can fail to do so. .

2966. Might not the employers on the wages board endeavor to secure as low a minimum wage as possible?—They would undoubtedly do so, but I think that it would be very difficult in the face of the public to fix so low a minimum wage as prevails in most women's trades.

2967. You think, therefore, that the effect of a wages board would be to raise wages?—Oh, yes. (Page 150.)

Report to the Secretary for the Home Department on the Wages Boards and Industrial Conciliation Acts of Australia and New Zealand. Ernest Aves, London, 1908.

In as far, therefore, as wages have improved in the breadbaking trade, to some considerable extent the improvement is probably traceable to the special board; there is abundant testimony to the fact of improvement. There has been great improvement, I was informed by a leading master baker. "Many shops do not pay full rates," but the "improvement is real throughout the trade," and "sweating has been practically abolished."

In this trade the rises in the rates of wages have been from 48s in 1897 to 50s in 1900, and it has been seen that the last rise of 1907, to 54s, led to a reference to the Court of Industrial Appeal and to a strike. In this trade the influence of a fairly active trade union has thus to be allowed for as well as the general rise in wages which, quite apart from the special boards, has accompanied the increasing prosperity of the last few years. But after allowing for the influence of the trade union and this general tendency, and remembering the admitted fact that evasion is not infrequent, the special board does appear to have had an appreciable effect in bettering the conditions of this trade. (Pages 71 and 72.)

The Economic Theory of a Legal Minimum Wage. SIDNEY WEBB. *Reprinted from the Journal of Political Economy. University of Chicago Press, December, 1912.*

So far we have considered merely the effect upon productivity of enforcing a minimum wage, quite irrespective of this, involving a positive increase of wages. But to enforce a minimum is actually to raise the wages of, at any rate, some of the worst-paid operatives. (Page 9.)

The Economic Journal, September, 1913, London. The Trades Board Act at work. S. C. MOORE.

In June this year the local branch of the Clothing Operatives Union determined to take a census of their male members to find out what wages were being paid. In order to ascertain the effect of the Trades Board Act they also asked for information about wages and hours before and after the act came into operation.

There were 250 of these forms sent out and 230 were returned duly filled up. A committee of four was appointed to examine them, and as the returns from each shop were in the first instance kept separate, the committee were able to check them from their own personal knowledge, and they have every reason to believe that they are substantially accurate. These returns show quite clearly what reduction in working hours has actually taken place. Before the operation of the act:

One firm, employing 18 males, worked 55½ hours;
One firm, employing 6 males, worked 56 hours;
The remaining firms, employing 206 men, worked 58 hours.

Since February 20, the date on which the Board of Trade made an obligatory order:

One firm, employing 22 males, has worked 52½ hours;
One firm, employing 6 males, has worked 54 hours;
The remaining firms, employing 202 males, have worked 52 hours.

This gives an average reduction of more than five and a half hours per week, which has been a great benefit to the family and social life of the district.

The returns reveal some striking facts about men's wages in the clothing trade of Hebden Bridge, and also prove that the Trades Board Act has caused some remarkable increases to be given. The minimum of 6d per hour is not compulsory until the age of twenty-two; therefore, as sixty-one out of the total number making returns are at present getting less than 26s, we may presume they are juniors. Out of the 230 male workers, about whom we have definite information, 134 received increases when the act came into force. The following table gives particulars of the advances received:

32 men received an advance of 1s 0d per week
25 men received an advance of 2s 0d per week
28 men received an advance of 3s 0d per week
23 men received an advance of 4s 0d per week
11 men received an advance of 5s 0d per week
8 men received an advance of 6s 0d per week
5 men received an advance of 7s 0d per week
1 man received an advance of 7s 5d per week
1 man received an advance of 8s 0d per week

The average increase per week was 3s per man. In no case do the returns show any reduction in wages, and as the union officials have not heard of any such instance, it is evident that the increases are a clear gain to the workers. (Page 445.)

(4) THE MINIMUM WAGE IS NOT A MAXIMUM.

Where the minimum wage has been established, the fear that the minimum might prove also the maximum wage has not proved well grounded. On the contrary, the usual variation in wages appears to operate after a minimum has been set by law, below which wages may not sink.

State Experiments in Australia and New Zealand. WM. P. REEVES. *Vol. II. Grant Richards, London, 1902.*

The Chief Inspector of Factories, writing in May, 1902, denied that the tendency of the minimum wage was to become the maximum also. He asserted that, whereas in the clothing trade in 1901 the minimum wage for adult males was 45s a week, the average paid was 53s 6d; for adult females, while the minimum was 20s, the average was 22s 3d. He instanced similar differences in the boot, furniture, [and] shirtmaking trades. (Page 62.)

Work and Wages. EDWARD CADBURY, M. CECILE MATHESON *and* GEORGE SHANN. *Unwin, London, 1906.*

Experience of public bodies shows that a legal minimum does not necessarily become the actual maximum, as some critics assert. (Pages 284-285.)

"I am pleased to report that, notwithstanding that several hands were receiving in one factory a higher rate of wages than prescribed by the determination, the wages were unaltered." (Report of Mr. Duff [Ballarat], page 11.) (Report of Chief Inspector of Factories, Victoria, 1904. Also see report of Miss Thear, page 13.) "A good proportion of the girls in this trade are receiving more than the minimum wage of 20s per week." Other inspectors report to the same effect, that wages above legal minimum are paid. (Page 285.)

Sweating. EDWARD CADBURY *and* GEORGE SHANN. *Headley Bros., London, 1907.*

In reference to the assertion that the minimum tends to become the maximum, and that slower workers thus benefit at the expense of the more efficient, we find that the experience of Victoria does not bear this out. In the 1904 report of the Chief Inspector of Factories for Victoria, several inspectors report that wages above the legal minimum are paid. Mr. Duff of Ballarat says: "I am pleased to report that, notwithstanding that several hands were receiving in one factory a higher rate of wages than prescribed by the determinaton, the wages were unaltered." Miss Thear also reports: "A good proportion of girls in this trade are receiving more than the minimum wage of 20s per week." The experience of workmen under public bodies in this country also shows that the minimum does not become the maximum. (Pages 128-129.)

Report to the Secretary for the Home Department on the Wages Boards and Industrial Conciliation Acts of Australia and New Zealand. Ernest Aves, London, 1908.

Absolute uniformity of rating in any occupation appears, however, to be quite the exception, and in most trades, especially in those ranking as "skilled," it may, I think, be assumed that a certain proportion, even though it be in some cases only a small one, would receive a wage that was above the minimum, this proportion varying according to the character of the firm and the class of work. (Page 49.)

Woman in Industry. Chapter 2. The Minimum Wage. Duckworth & Co., London, 1908. CONSTANCE SMITH.

Over and over again, in the latest report of the Victorian Chief Inspector of Factories, do we come upon definite statements from

his inspectors that the workers in this trade and that controlled by wages boards are receiving wages above the minimum rate. . . . Mr. Askwith, K. C., whose experience as a conductor of arbitrations under the Board of Trade is "extensive and peculiar," poured scorn upon the idea that wages based upon a minimum rate would necessarily never rise above that basis. It will always be worth the employer's while to pay a higher rate to the worker possessing exceptional skill, or able to work at a higher rate of speed than his fellows. (Page 55.)

The Economic Theory of a Legal Minimum Wage. SIDNEY WEBB. *The Journal of Political Economy. University of Chicago Press, December, 1912.*

. . . We must first get clearly before us the distinction between the fixing and enforcing of a minimum, and the fixing and enforcing of a wage. What is here in question (as in all factory legislation) is a minimum, not a maximum, still less any actual decision that the wage shall be such or such sum. It ought not to be necessary to point this out. (Page 6.)

Here we have, in fact, the lesson of actual experience from a whole century of industrial history. It is only necessary to watch the operation, in trade after trade, of analogous common rules, many of them enforced by law. These common rules, like the legal minimum wage, are always *minima*, not *maxima*. Every employer prefers to be free to do whatever he chooses; to compete in anyway he pleases, on the downward way as well as on the upward way. But the enforcement in any industry, whether by law or by public opinion, or by strong trade unionism, of a standard rate, a normal day and prescribed conditions of sanitation and safety, does not prevent the employer's choice of one man rather than another, or forbid him to pick, out of the crowd of applicants, the strongest, the most skillful, or the best conducted workman. The universal enforcement of a legal minimum wage in no way abolishes competition for employment. (Page 7.)

The Economic Journal, September, 1913, London. The Trades Board Act at Work. S. C. MOORE.

These returns also shed light upon that most interesting and important problem as to whether there is any danger of a legal minimum wage becoming the actual maximum. Of the 134 who received advances, 111 had to receive them in order to bring their earnings up to the sum required by the act; but the remaining

twenty-three were getting the minimum before they received the advance. These twenty-three were evidently considered by their employers to be worth more than the lower-paid men, and when the wages of lower-paid men were compulsorily raised they were given a corresponding increase. This seems to indicate that whatever causes have tended to produce variation of wages in the past will continue to operate after a minimum has been fixed by the Trade Board. (Page 445.)

Report of Chief Inspector of Factories of Victoria. 1902.

BOOT TRADE.

Mr. Billingham reports:

The minimum wage has not proved the maximum in this trade, as many of the better workmen are paid more, some receiving as much as 15s per week over the minimum, proving that a good workman will always be paid much above the minimum or even average wage. (Page 15.)

Report of Chief Inspector of Factories of Victoria. 1906.

PLATE GLASS BOARD.

Mr. Billingham reports:

Every factory visited and employees questioned. This determination is being well observed, and working smoothly. The minimum wage is not by any means the maximum, as many employees receive over the legal rates. (Page 35.)

SHIRT BOARD.

Miss Shay reports:

The workers are principally all on piecework, and able to earn considerably more than the minimum wage. In the cases of those receiving a weekly wage, I have found determination complied with. (Page 38.)

Report of Chief Inspector of Factories of Victoria. 1907.

ARTIFICIAL MANURE BOARD.

Mr. Billingham reports:

In the majority of cases the employees are being paid higher rates than those provided by the Courts of Industrial Appeals (36s), and feel dissatisfied that the rate provided by the board (40s 6d) should have been reduced. (Page 15.)

Report of Chief Inspector of Factories of Victoria. 1907.

JAM TRADE BOARD.

Miss Mitchell reports:

The determination is well complied with, the majority being paid a piece-work rate, which averages considerably more than the minimum wage. (Page 41.)

Report of Chief Inspector of Factories of Victoria. 1908

BREAD BOARD.

Mr. Collopy reports:

Wages are still being paid in excess of determination rates. Every adult worker questioned by me confirmed the above statement. (Page 21.)

Mr. Duncan reports:

Those that come under my inspection are in the majority of cases paid more than the legal rate. (Page 22.)

Mr. Austin reports:

In most cases the men working at this trade are receiving above the legal wage. (Page 22.)

BRICK TRADE BOARD.

Mr. Rowe reports:

I find that in the majority of the yards rates in excess of the determination are being paid, and I have received no complaints. (Page 24.)

PLATE GLASS BOARD.

Mr. Billingham reports:

The minimum wage for this trade is not by any means the maximum. Many of the employees receive more than the legal rates, and there have not been any cases of breach of determination. (Page 47.)

UNDERCLOTHING TRADE.

Miss Mitchell reports:

The determination in this trade is working well. I have not had any complaints. I find the wages paid are far in excess of the minimum for skilled workers. (Page 55.)

Report of Chief Inspector of Factories of Victoria. 1909.

SHIRT BOARD.

Mr. Ingham reports:

I can only repeat my report of last year, that this determina-

tion is being satisfactorily carried out and most of the boys receive far above the minimum rates. (Page 65.)

UNDERCLOTHING BOARD.

Miss Thear reports:

The minimum wage in this trade is 16s. The board has not thought it necessary to raise it, as, owing to the scarcity of competent hands, more than that amount can be readily earned by proficient hands. In a room where 172 hands are employed (mostly on piece work), 107 are earning more than the minimum wage of 16s, and there are only six who earn the bare 16s.

Miss Shay reports:

This trade is not largely represented in my district. The majority of workers are being paid weekly wages, and it is pleasing to note the minimum wage is not the maximum paid, by any means.

No evasions have come under my notice during the year. (Page 69.)

Report of Chief Inspector of Factories of Victoria, 1910.

MILLINERS BOARD.

Miss Cuthbertson reports:

Though the increase in the minimum wage is a substantial one, I do not expect to find any marked increase in the average earnings of those employed, owing to the small number working who receive the minimum. (Page 54.)

Annual Report of the New Zealand Labor Dept., 1902.

It is my pleasant duty once more to report a prosperous year for the laboring classes in New Zealand. The steadiness of employment, the extension of industries, and the improvements in regard to wages, hours of work, overtime pay, etc., have made the position of the workers generally more endurable than it has been for many years.

It was asserted that when the court fixed a minimum wage in a trade, that wage tended to become an average wage or even a maximum. Such a system would scarcely be possible in a large business, or even a go-ahead small one, for a capable workman knows his own value too well to work under such conditions, and if an employer wants to keep up with or to surpass his competitors he must get the most efficient hands he can find or pay for. It is true, however, that when a workman leaves his old employer

and gets new work, he often has to start on a minimum wage, but if he is a valuable man he does not long remain at that rate. In practice, however, it is found that the best men leave the minimum wage far behind, and there has been no proof presented that during the last two or three years—during which most of the awards have been made, any suffering has been caused by the institution of a minimum wage, while the benefit to the majority of workers is indisputable. (Page 5.)

Report of the New Zealand Department of Labor. 1909.

In Table 6, appended to this report, appears the result of an investigation, as far as factories are concerned, into the extent to which the Arbitration Court in fixing a minimum wage has or has not lowered the average wage, or injured high rates for especially good workers. It has so often been asserted with blind confidence that every award of a minimum wage has "levelled down" all wages, that it will come as a surprise to the general public to find how few workers have to accept the minimum wage, which is not, as has been so often stated, "the award wage," but a limit of wage below which no persons in that particular trade may be paid. In the bootmaking trade, for instance, in Auckland 66%, in Wellington 85½%, in Christchurch 66%, and in Dunedin 50% of the workers receive wages above the minimum wage. In Auckland 91%, in Wellington 57½%, in Christchurch 50% and in Dunedin 26% of the cabinetmakers receive above the minimum wage named in the award. Plumbers and gasfitters receiving wages above the award minimum are: In Auckland 66%, in Wellington 19%, in Christchurch 84%, in Dunedin 59%. It is of no use laboring the matter here by quoting figures too profusely, since the whole state of the case can be seen by any person studying the table, but the investigation has served to prick one of the bubbles so freely blown by opponents of the act when trying to gain the sympathy of those whose wages have been for years protected by the industrial courts from the undercutting of unscrupulous mates or the forcing down methods of greedy exploiters. (Page 13.)

Annual Report of the Department of Labor, New Zealand. 1910. Wellington, 1910.

COMPARISON BETWEEN MINIMUM RATES UNDER AWARDS AND THE .... ACTUAL RATES PAID.

However, there is sufficient evidence to show that in our manufacturing industries at least an average of 50% of the workers

compared received more than the rate granted in the awards of the Court of Arbitration. Such a result must be exceedingly gratifying to those interested in the industrial legislation of the Dominion, especially in view of the fact that opponents of the act have stated in and out of season that the majority of workers are receiving only the minimum wage, and that the work accomplished by the first-class man gets no more recognition than that of the ordinary employee who makes no special effort to deserve extra monetary reward. If this allegation is true in regard to workers outside manufacturing industries—which I very much doubt —the figures quoted by the department in this report hardly bear out the contention in regard to many of our leading manufacturing industries. I find in regard to the cities the returns show that in Auckland, out of 2,119 employees compared, 782 receive the minimum rate and 1,337 in excess, equal to 63%. Wellington, 1,513 employees have been compared, 535 of whom receive the minimum rate and 978 in excess of the minimum, or 64%. In Christchurch, 2,367 have been compared, 869 of whom receive the minimum rate and 1,498 in excess of the minimum, or 63%. In Dunedin, 1,375 employees have been compared, of whom 599 receive the minimum and 776 in excess of the minimum, or 56½%. (Pages 11-12.)

Bulletin of the United States Bureau of Labor No. 49. Labor Conditions in New Zealand. VICTOR S. CLARK. *Washington, 1903.*

There are sometimes greater differences between the legal minimum and the highest wages paid. The Otago award fixes the wages of journeymen painters at 30 cents an hour for an eight-hour day, but wages in Dunedin were said to run as high as 43 cents an hour and to be customarily above the award minimum. (Page 1171.)

An iron works superintendent: "The minimum wage is not the maximum wage with us. We sack a poor man when we can get a good man, and pay him more than the award. That's most profitable for us, and keeps the men cheerful." (Page 1207.)

A labor member of Parliament: "Painters and carpenters here are getting from $0.73 to $0.97 a day more than the award minimum." (Page 1208.)

A labor member of Parliament: "On the whole, the effect is not to put wages on a dead level."

A factory inspector: "My experience is that most employers pay more than a minimum wage to some employees. In the bookbinding trades in my district all but one employee receive more

than the minimum wage, which is $9.73 a week. They get from $12.17 a week up." (Page 1208.)

Another factory inspector: "It is the general rule here to pay over the minimum wage." (Page 1208.)

Bulletin of the U. S. Bureau of Labor No. 56. Labor Conditions in Australia. VICTOR S. CLARK. *Washington, 1905.*

The manager of a boot factory in the same state said: "We don't hold our men down to the minimum wage. Our cheapest men are those to whom I give the most money. I make the foreman of each room judge of his employees, and he must make his room pay—and pay wages that will produce that result." Another manufacturer said: "The minimum in the boot trade is £2 5s ($10.95) a week. I am paying some of my operatives £2 10s ($12.17), others £2 15s ($13.39), and some up to £3 ($14.60) a week." A manufacturing saddler and harnessmaker's books showed that he was paying from 10s ($2.43) to £1 ($4.87) a week above the award minimum to several of his workmen. (Pages 122-123.)

Proposed Minimum Wage Law for Wisconsin. Prepared under the Direction of JOHN R. COMMONS. *Wisconsin Consumers' League, Madison, 1911.*

The minimum has not become the maximum, but in every factory there is a considerable number of employees getting more than the legal rate. . . . (Page 4.)

The Theory of the Minimum Wage. H. R. SEAGER. *New York American Labor Legislation Review, February, 1913.*

From the point of view of wage-earners, it is urged, finally, that minimum wage regulations will tend to level all wages toward the minimum prescribed by law. I can see no *a priori* ground for such a view. So far as the competition of wage-earners of less capacity with lower standards tends to lower the wages of those of greater capacity and with higher standards it already operates with full force. With a legally prescribed minimum wage, instead of forcing wages down to a starvation level, as it may now do, it could at the worst force them down only to the legal minimum. But I do not ascribe great importance to *a priori* arguments as an issue of this sort. It is of much more significance that in Victoria, after the minimum wage system had applied to the clothing industry for half a dozen years, the average wage for women was reported as 42s 3d a week, as compared with the prescribed mini-

mum of 36s, and the average for men as 53s 6d as compared with the legal minimum of 45s. An average nearly 20% higher than the minimum is pretty conclusive evidence that wages continued to vary with the individual capacity of the workers after the minima were prescribed as they had done before. (Page 89.)

(5) BENEFIT TO INDUSTRIAL PEACE.

The establishment of minimum wage boards has tended towards creating industrial peace. Instead of resorting to strikes and lockouts, employers and employees are brought into co-operative relations.

Report of the Massachusetts Commission on Minimum Wage Boards January, 1912. House No. 1697.

In Victoria, at the instance of either employers or employees, or of the Minister of Labor, the Legislature may authorize the creation of a special board, which is empowered to fix a minimum wage for a given trade. . . .

These special boards, although authorized to secure a "living wage," in practice have served rather to formulate common rules for a trade, to bring employees and employers into co-operative relations and to provide suitable machinery for the readjustment of wages and other matters to changing economic conditions. (Pages 14-15)

It would furnish to the women employees a means of obtaining the best minimum wages that are consistent with the on-going of the industry, without recourse to strikes or industrial disturbances. It would be the best means of ensuring industrial peace so far as this class of employees is concerned. (Page 26.)

The Minimum Wage. Mrs. ELIZABETH G. EVANS, *Member First Massachusetts Convention on Minimum Wage Boards. City Club Bulletin, Chicago, 1912.*

I will say frankly that when I realized how very conservative this proposed legislation was I was afraid that it might not accomplish much. If it was to be so moderate what good would it do? But I believe that though it will work slowly, and will take time in correcting abuses, there are few pieces of legislation that will do as much. It has more educational value than any other labor legislation that I know of. It brings the employers and employees into co-operative relations around a table to bargain collectively

for wages. It establishes a sort of a social contact, not as a result of the strike, but before the strike. (Page 31.)

A great many of them (the employers) could do a great deal better by their employees if they would turn their attention to this matter and discuss it. But they are thinking about the selling price, not about wages. They are thinking about profits—that is what they are there for. But they will think just as much about the wages question when it becomes a matter of public education. The educational value of this measure I think is greater than any other similar measure I know about. (Page 31.)

American Economic Review. American Economic Association, Cambridge, Mass., 1912. The Legal Minimum Wage in the United States. ARTHUR H. HOLCOMBE.

The boards have taken their cue from the language of the statute, and instead of attempting to determine the cost of the standard of living in the state, they have attempted rather to bring together employers and wage-earners in the several industries for which they have been established, for the adoption of common rules for the trade, including among the rest mutually accepted rates of wages. Thus their chief concern is to ascertain and publish the normal "going" wages for the various grades of labor in the several industries, and to provide suitable machinery for the readjustment of wages and conditions of employment generally to changing economic conditions. In this they have been successful. The number of special boards has been continually increased until there are now nearly a hundred in commission regulating wages and hours of labor for nearly all the wage-earners, both men and women, of the state. For ten years there was no strike of any importance in a trade under a special board. In 1907 a strike took place, when the Bakers' Union ordered the journeymen out, not against a determination of a wage board, however, but against a decision of the Court of Industrial Appeals, annulling an increase of wages determined by the board. It was quickly ended in a victory for the strikers. Whatever may have been the original purpose of the Victorian wage boards, their chief function today is to establish a more solid foundation for industrial peace. The protection of the standard of living is merely incidental thereto. This function has become so well recognized in Australia that upon the temporary collapse of the system of compulsory arbitration in New South Wales in 1908, an attempt was made by the government then in office to introduce the Victorian system in its stead. The Labor Party vigorously opposed

this attempt, ultimately with apparent success. In short, the Victorian wage boards serve today primarily to foster collective bargaining between capital and labor with a view to the peaceful conciliation of industrial disputes. (Pages 22-23.)

The Labour Movement in Australia—A Study of Social Democracy. VICTOR S. CLARK, Ph. D. *Archibald Constable & Co., London, 1907.*

Few, if any, strikes have occurred where wage determinations are in force. The workers themselves, who ought to be the best judges, commend the effect of the act. (Page 148.)

Bulletin of the United States. Bulletin of Labor No. 56—Labor Conditions in Australia. VICTOR S. CLARK. *Washington, 1905.*

The secretary of the Melbourne Bootmakers' Union expressed himself regarding conditions under the amended law as follows:

"Trade has been better since federation than previously. The Factories Act has not injured trade and it has benefitted the workingmen. We have had no strike since it went into effect, and we now recognize that strikes are done with, and look to Parliament for our remedies." (Page 74.)

Report to the Secretary for the Home Department on the Wages Boards and Industrial Conciliation Acts of Australia and New Zealand. ERNEST AVES. *London, 1908.*

The boards, especially those formed in the women's trades, are greatly valued and are widely believed in, and a chief explanation of this must, I think, be found, not so much in any demonstrable and lasting effects that they have had on the individual earnings of women, as in the increased feeling of security that they give, and in the belief that they make treatment more uniformly fair.

The boards have helped both in the home and in the factory, and probably not simply in the trades under them, to set a more certain standard. They are also believed to mark out a point below which, should reaction come, wages will not, at least without greater difficulty, fall. The test of this period of decline has, it is true, not been reached, and should it come, the determinations may break down. But while maintained or sometimes even when exceeded, they are felt to be a source of strength. They affect sentiment, both public and private. They help to establish beneficial customs, and if character is not thereby weakened, this is a great gain. They become, moreover, something which the conscience, not only of the trade but also of the community, has to take into account. (Page 123.)

The Practical Case for a Legal Minimum Wage. R. C. K. ENSOR. *Nineteenth Century, London, 1912.*

It is a part of such a policy of social hygiene, not tinkering directly wth the symptoms of labor disputes, but strengthening broadly the forces which make for social peace and stability, that the policy of a legally enforced minimum wage has today a special claim on the attention of the moderate and foreseeing statesmen. (Page 264.)

The Living Wage. PHILIP SNOWDEN, *M. P. Hodder & Stoughton, London, 1913.*

Two principles have been accepted in the Industrial Aribitration and Wages Boards legislation which has been outlined in the previous chapters. The first is, that the state cannot stand quietly by and see industry paralyzed and society held up by strikes and lockouts. The second is, that there is a collective responsibility, which can only be discharged through the state, for ensuring workpeople a reasonable remuneration for their labor. It has gone so far in Australia as to enforce the doctrine that the wage of the workman should be "enough to satisfy the normal needs of the average employee regarded as a human being in a civilized communty." (Page 132.)

Royal Commission of Inquiry into the Working of Compulsory Conciliation and Arbitration Laws. Legislative Assembly, New South Wales. Sydney, 1901.

Although I have gone fully into matters in which the act appears to be defective, I wish it to be clearly and unmistakeably known that the result of my observations is that the act has so far, notwithstanding its faults, been productive of good. I have emphasized what were pointed out to me as its weaknesses, in order that they may be avoided should similar legislation be enacted here. The act has prevented strikes of any magnitude, and has, on the whole, brought about a better relation between employers and employees than would exist were there no act. It has enabled the increase of wages, and the other conditions favorable to the workmen which, under the circumstances of the Colony, they are entitled

to, to be settled without that friction and bitterness of feeling which otherwise might have existed; it has enabled employers, for a time at least, to know with certainty the conditions of production, and therefore to make contracts with the knowledge that they would be able to fulfil them; and indirectly it has tended to a more harmonious feeling among the people generally, which must have worked for the weal of the Colony. (Page 25.)

True Basis of the Living Wage. ROBT. S. WALPOLE. *"Public Opinion," Melbourne, 1912.*

It is the country which has the greatest storage of capital that supplies the largest quantity of wages and material, thereby giving employment to thousands of workers, which becomes the richest and most powerful nation. Now, if a means can be found by which such stored capital can be increased by the poorest worker becoming a capitalist as well as the rich, and such capital utilized in beneficial channels, then all must gain. It is in this capacity we must consider such schemes as co-operation and profit-sharing. (Page 22.)

The writer believes that the plan suggested for fixing once and for all a "living wage," on lines allowing for reasonable comfort and the higher standard of living demanded by the Anglo-Saxon race, together with the fact that every worker would at that fixed wage, toe the line and, in proportion to the energy and skill given off by him, be the gainer in a larger payment for the work done, would be the best means of ensuring peace. The agitator, who is generally a non-worker not practically interested in the trade, would find his occupation gone. (Page 31.)

(6) BENEFIT TO COMPETING EMPLOYERS.

The establishment of a legal minimum wage not only checks the unscrupulous employer but makes it possible for the enlightened employer to pay higher wages without fear of underbidding competitors.

A Country Without Strikes. HENRY D. LLOYD. *Doubleday, Page & Co., New York, 1900.*

That an Arbitration Act can operate as much for the protection of employers against guerilla competitors as for the protection of labor against capital, is one of the great discoveries being made by experience in this experiment. Manufacturers in New Zealand are beginning to see this and take advantage of it.

I learned of several cases in which, by assisting their employees to organize and appeal to the Court of Arbitration, the manufacturers sought to obtain decisions which would bind not merely themselves, but also their uncontrollable competitors. Such a competitor can by this use of the Arbitration Court be prevented from making the cuts in wages which enable him to cut prices to the ruin of all who do not irritate him in squeezing out of the employees the funds to fight business rivals. (Page 45.)

Report of the United States Industrial Commission on Labor Organizations, Labor Disputes and Arbitration and on Railway Labor. Vol. XVII. Washington, 1901. Working of the New Zealand Compulsory Arbitration Law.

"In the case of industries in which competition between employers is sharp, there has been some disposition to favor the system of compulsory regulation of the conditions of labor because of the resulting uniformity. Manufacturers know that their competitors have to pay the same wages and meet the same conditions of employment, so that the conditions of competition are made more equitable. There are advantages, too, in the stability which results from the establishment of the terms of the labor contract for a definite period of time, within which contracts may be made with reasonable certainty regarding costs. (Page 533.)

Bulletin of the United States Bureau of Labor, No. 49. Labor Conditions in New Zealand, by VICTOR S. CLARK. *Washington, 1903.*

A second desirable result that the act is generally conceded to have accomplished is the prevention of sweating and undercutting by a few unscrupulous employers, to the detriment of the trade and the prejudice of the fair-minded majority who are content to conduct their business with reasonable regard for the welfare of their employees. The chairman of one of the conciliation boards, himself an attorney and in no way specially identified with the workingmen, said: "It was a common experience to have fair employers encourage suits in order to prevent undercutting in wages." A factory inspector said: "Most of the complaints of breaches of the acts and of the arbitration awards come from the employers themselves, who want their competitors prohibited from unfair competition." Specific instances were mentioned by workingmen where they had been asked by employers to bring suits under the act in order to establish fair and uniform conditions of wages in an industry. (Page 1231.)

Bulletin of the United States Bureau of Labor, No. 56. Labor Conditions in Australia, by VICTOR S. CLARK. *Washington, 1905.*

The proprietor of probably the largest boot factory in Melbourne, a new and model establishment, expressed the following opinion of the Factories Act in an interview:

"We have invested largely in our business since the act has been in force. Under it our conditions are more settled, and this gives us an advantage over New South Wales. Before the act went into operation sweating was rampant, and for that reason the fair employer has benefited by the change. We pay many of our employees more than the minimum wage. There are incompetent employers as well as incompetent employees, and it is the employer who never ought to be in his position who is forced to sweat men. The act eliminates that sort of an employer." (Page 73.)

The effect of the determinations is to establish uniform rates of payment and hours of labor among competing employers, and thus to favor those who are by inclination or policy most liberal to their employees; at least this must be the effect if the law is properly observed. (Page 77.)

The great expansion of Victorian manufacturers since federation is a stubborn assertion that no death blow has yet been dealt to the growing enterprise of the country. (Page 78.)

American Economic Review, American Economic Association, Cambridge, Mass., 1912. The Legal Minimum Wage in the United States, by ARTHUR H. HOLCOMBE.

There would result a restriction of the field of competition between employers. The employer whose chief stock in trade is his shrewdness in driving hard bargains with his employees would lose the advantage of that pernicious superiority. The peculiar qualities of the best type of business man, imagination, judgment, and courage in undertaking legitimate business risks, and sagacity in managing his establishment, would become of greater importance in the achievement of success, especially in the sweated industries. In short, the indirect economic effect of the establishment of a minimum standard of living wage would be to promote the concentration of competition between working people and between employers on efficiency. (Page 36.)

Minimum Wage Boards. FLORENCE KELLEY, *General Secretary, National Consumers' League. Proceedings of the National Conference of Charities and Corrections, Cleveland, 1912.*

It may be asked whether there is not danger, in case this constitution should be adopted and so interpreted that minimum wage boards can be created under its terms, of driving industry out of Ohio into Pennsylvania, West Virginia and Indiana, where wages may still be forced down below the minimum level of vital efficiency without interference. That threat has been made in the Australian colonies and in the English Parliament. It is made by the textile trades in Massachusetts, and will continue to be made in our states. But no industry goes. Cut-throat competitors may go, but experience has shown that the increased efficiency that accompanies the creation of wages boards deprives competition of its power for harm. In Victoria more than half of the 91 trade boards now in existence have been asked for by employers glad to be rid of cut-throat and incompetent competitors.

When, through the acquisition by the weaker working people of proper elements of bargaining strength, a living wage is made a first charge upon industry, incompetent employers must either call in the efficiency doctors and follow their prescriptions, or themselves seek work in some occupation other than fattening upon defenseless workers and keeping them in chronic destitution. (Page 9.)

The Wage-Earner and His Problem. JOHN MITCHELL. *P. S. Ridsdale, Washington, D. C., 1913.*

A continually fluctuating labor market is a heavy burden on the fair employer in manufactures. He is menaced by the undercutting of his wage rates, by his rivals in business, by strikes of his employees, by the uncertainties of the future, by alterations in costs. His losses besides are those of a citizen obliged to help support those of his competitors not paying a living wage and whose employees are hence from time to time thrown on the community for assistance.

We cannot but conclude that the fair employer must in the end agree with us on the desirability and feasibility of the minimum wage as here advocated. (Page 103.)

A Minimum Wage for Workers. H. LA RUE BROWN, *Chairman of Massachusetts Minimum Wage Commission.* Mrs. GLENDOWER EVANS, *Member First Massachusetts Minimum Wage Commission. City Club Bulletin of Philadelphia, January 27, 1913.*

In regard to the general question how it will work if you raise wages too much, there is this to be said: The wages are fixed by the wage boards, after arbitration and discussion, upon which the employers sit and have the whip hand. As a rule they level up the wages of employers who are below a decent scale, to the level of employers who are actually doing business successfully. Either the unsuccessful employers improve their methods or they go out of business. The same amount of work is to be done, and it had better be done by employers who are more successful in their methods. Employers may say: We can't afford to pay that much wages. Well, it is recommended by employers in their own industry who can afford that much wage, so it is a question of adjustment. (Page 211.)

The Labor Movement in Australia—A Study of Social Democracy, by VICTOR S. CLARK, Ph. D. *Archibald Constable & Co., London, 1907.*

Propertied interests were not opposed to a statutory minimum wage on the ground that it was an attack upon capital. The better employers rather courted some provision that freed them from the competition of less scrupulous men of their own class. (Page 141.)

Evidence Taken Before the Select Committee on Home Work, House of Commons, London, 1907. G. R. ASKWITH *(Barrister, Arbitor in Trade Disputes).*

3947. How do you think that the establishment of Wages Boards would be regarded by workers and employers? You must have a good deal of experience by coming in contact with both of these classes of the community. What would be their attitude towards them, do you think, speaking broadly?—As far as I can judge from speaking to employers in many trades, they would be very glad to have them.

3948. Then you would suggest that, as regards employers, where low rates are paid, frequently they are driven by competition to pay these rates, and that they would not be unwilling to pay higher ones, if higher ones prevailed throughout the trade?—

Certainly, I think that is so, if they knew that the man around the corner was not paying less. If, say, a trades-union official, or representative of the workmen, came to them and said, "I want this price raised," and their answer was, "We would raise the price if So-and-So around the corner was not paying a lower one," and the remedy was to be found in the Wages Board statement, and they were able to bring the competitor around the corner before the Wages Board, I think they would be ready to pay the enhanced price. (Pages 192-193.)

4108. Will employers generally agree as to the establishment of Wages Boards in these industries, do you think?—The employers whom I have spoken to on the matter have generally said that they see no objection to that, and that they consider no harm would be done, but they would be the better class of employers. I do not know what a sweating employer would say to it, and I should not much mind what he did say. (Page 202.)

4184. Generally, have you found that employers are willing to accept the decisions of Arbitration Boards?—Yes.

4185. And does your experience tell you that employers would be willing to have joint Arbitration Boards and pay standard wages if all the others in the trade agreed?—Yes, I think so. The great objection of employers is to other employers paying less than they do, thereby, as they think, unfairly competing with them, and further, all employers in a trade are particularly anxious to avoid uncertainty and to have peace. (Page 205.)

Woman in Industry. Chapter 2. The Minimum Wage. Duckworth & Co., London, 1908. By CONSTANCE SMITH.

Here at home—the simple production of evidence that a higher wage is paid by his competitors in industry thus relieving him of the fear that he must necessarily be undersold if he pays a decent rate—will sometimes produce an advance in wages so considerable as to prove the existence of a very substantial "margin" without any corresponding increase taking place in the price of the article manufactured. (Page 53.)

The Economic Review, Vol. 18, London, 1908. The Remuneration of Women's Work. HAMILTON W. FYFE.

Low wages are not really due to ghoulish employers or to selfish workers. Most employers are ready to pay more, but are prevented by the competition of a few inefficient employers who undercut their prices. Workers are quite ready to take more, but

hunger makes them take what they can get, and that amount is continually depressed by the competition of the partially supported. The chief value of Wage Boards would be the extinction of this competition. (Pages 143-144.)

The Living Wage. PHILIP SNOWDEN. *Hodder & Stoughton, London, 1913.*

. . . In these days of competitive industry the employer is often the victim of circumstances over which he has little control, and it is useless to preach to him to apply moral precepts in the conduct of his business. The conditions in the unorganized and unskilled industries are made by the least scrupulous employer, who finds it more profitable to draw upon (at the expense of the community) the unlimited supply of half-starved and helpless labor, which he quickly uses up. The well-intentoned employer is driven by such competition to adopt the same methods or to leave the business. The State only can make and enforce common conditions in regard to wages, just as it has done already in regard to many other conditions of industrial life. (Pages 7-8.)

The Living Wage. PHILIP SNOWDEN. *Hodder & Stoughton, London, 1913.*

As the payment of high wages necessitates high mechanical equipment, perfect organization, keen attention to business, the compulsory payment of high wages would have the effect of eliminating the small employer with inadequate capital and inferior business ability. He is kept going now only because he can exploit an inexhaustible supply of cheap labor, which is subsidized by the community in innumerable ways. The existence of this class of employer keeps down the wages of the whole industry. Employers who would be willing to pay higher wages are prevented from doing so by the illegitimate competition of this subsidized labor. (Page 147.)

Annual Report of the New Zealand Labor Department, 1902.

The better class of employer is, of course, in favor of a minimum wage, since he is compelled by his own honesty to pay his men a just price for their services and is thus exposed to unfair competition from the "sweater" who wishes to grind the earnings of his work people lower and lower, and abhors a minimum wage that interferes with what he calls his "liberty to run his business as he likes." (Page 5.)

Report of the New Zealand Labor Department, 1907.

It is satisfactory to have to report that generally speaking the privilege of working under an award is appreciated both by employers and workers, the former because it equalizes the conditions in the cost of production and tends to prevent cutting in prices—the latter because they know they are getting one current market value for their labor. (Page 27.)

Report from the Select Committee on Home Work to House of Commons. London, 1908.

We have been impressed by the testimony we have received to the effect that most, if not indeed all, employers would be glad to have fixed a minimum rate of payment and conditions below which neither they nor their competitors, should be allowed to go. If nothing more than this were accomplished by the adoption of the recommendations which we make, a substantial step would be taken in the improvement of the position of that portion of our people whose special circumstances we have been considering. (Page XVIII.)

IV. ANALOGY WITH OTHER LABOR LEGISLATION

Authorities agree in the opinion that the establishment of a legal minimum wage for women is the logical extension of the principles underlying other labor legislation, justified by a century of experience.

The Recent History of the Living Wage Movement. HENRY W. MACROSTY, *Political Science Quarterly, Vol. 13, New York, 1898.*

In a long series of public health acts and factory acts rules were established, coextensive with industry, for the regulation of the conditions under which labor should be carried on. Each successive Act of Parliament carried the interference of the state into more minute details of industry. . . .

The natural result has been the application of the same doctrine to wages, and the emergence of the vague idea of the "living wage." (Page 414.)

Report of Massachusetts Commission on Minimum Wage Boards, 1912.

To say that a woman shall not contract to work for less than a decent living wage is to go no further than to say that she shall not contract to work more than eight or ten hours, or under certain other unwholesome conditions which may affect her as the potential mother of future citizens. Indeed, it is much easier to trace a social connection between working for wages inadequate to maintain a decent standard of living, and working more than eight or even ten hours a day. (Page 23.)

The New Democracy. WALTER E. WEYL. *Macmillan, New York, 1912.*

It is economically as possible to regulate wages as to regulate hours or sanitary conditions. It is as easy to forbid the manufacturers to pay less than a definite scale of wages as it is to forbid the manufacture of counterfeit coins or the distilling of untaxed whiskey. All that is required is a changed point of view in ourselves and our judges. (Pages 293-294, footnote.)

We must regulate factory conditions for men, women and children and we must so change our legal traditions as to permit

the state to establish, not only maximum hours of labor, but also, in the worst paid trades, minimum wages. (Page 326.)

American Economic Review, American Economic Association, Cambridge, Mass., 1912. The Legal Minimum Wage in the United States, by ARTHUR H. HOLCOMBE.

The assumption that no such proposal as that to regulate wages in private employments can be enforced through the courts is premature. It is first indispensable, however, that the American people should be convinced that some action for the protection of the American standard of living is necessary and that the proposed remedy is appropriate. Whereas the Illinois court of last resort once refused to enforce a law regulating the hours of labor of women, and then in the light of further reflection and a more thorough acquaintance with the actual conditions of eployment in the state (in the second Ritchie case) reversed its earlier decisions, so social reformers who can prove their case for the minimum wage may expect equally favorable consideration from the courts. There is no essential difference, so far as constitutional status is concerned, between the legal regulation of the hours of labor and the legal regulation of wages. The constitutionality of both alike is solely a matter of producing sufficient evidence showing the necessity and appropriateness of the proposed legislation. (Page 29.)

Sweating, by EDWARD CADBURY *and* GEORGE SHANN. *Headley Bros., London, 1907.*

At the present time it is not necessary to justify the right of the State to interfere with the individual so long as such interference is for the good of the community as a whole, and the long story of factory legislation dealing with hours, sanitation, dangerous trades, etc., has justified itself by its results. (Page 112.)

. . . It is to be noted that the proposal to regulate wages is a logical extension of the principle justified by a century of experience, of regulating hours, sanitary and other conditions of work. State legislation in regard to these matters increased in the first instance the cost of production, but the principle on which such regulation proceeds is that no trade has a right to persist at the expense of the health and strength of the employees. The result of this legislation is that the unscrupulous employer cannot compete unfairly by providing insanitary conditions of work or by employing his work people long hours. Thus competition must

work on other lines and induces more efficient management and the invention of improved machinery. The increased outlay is also compensated for by the increased efficiency of the workers.

The same line of argument justifies the regulation of wages. (Pages 121-122.)

Thus there is no logical distinction between fixing by legislation a standard of hours and sanitation and fixing a standard wage. A trade that does not pay a wage that allows for the maintenance of the health and strength of the workers is detrimental to the welfare of the public. (Page 122.)

West Ham, by EDWARD G. HAWARTH, M. A., *and* MONA WILSON. *J. M. Dent & Co., London, 1907.*

One employer whose attitude was not, on the whole, unsympathetic to the inquiry, although he failed to produce returns, asserted that his wages were quite disgraceful, and that he could not understand why he and other employers in his trade were allowed to pay their work people what they chose since ventilation and other conditions of their employment were regulated by the Factory and Workshop Act. (Page 155.)

Evidence Taken Before the Select Committee on Home Work, House of Commons, London, 1907. CLEMENTINA BLACK *(Representing the Anti-Sweating League and the Women's Industrial Council).*

P. 2889. Comparing the effect of the Factory Acts with the legislation you are suggesting now, or which is being suggested, I suppose you are quite clear that there are cases in which longer hours would be worked were they not forbidden by the Factory Act?—I am not only sure of it from my own observation, but I have been told it quite frankly by employers within the last three weeks.

That they would work longer if they could?—Yes. On the other hand, during the same period, I have been told by other employers that they are quite sure it has been to their advantage to shorten the hours and that it does not really pay to have longer hours.

Do you suggest from that that wages tend to fall, and will do so, unless they be, so to speak, supported by legislation?—That is my firm opinion. (Page 146.)

I thought it was rather self-evident; employers have never without the law in any trade shortened their hours effectually, and

we may see it this minute in mills in the Southern States of America where there is no Factory Act, and where even quite young children are working all night, or working all day, and may legally be worked the whole 24 hours. (Page 146.)

Evidence Taken Before the Select Committee on Home Work, House of Commons, London, 1907. G. R. ASKWITH *(Barrister, Arbitor in Trade Disputes).*

Parliament stepped in in the Factory Acts to stop the exploiting of the individual by unlimited competition in the production of articles, and that is exactly what the idea of these bills is with regard to people who have not been able to organize themselves, and, in certain industries, to continue the policy of the Factory Acts. (Page 210.)

Report to the Secretary for the Home Department on the Wages Boards and Industrial Conciliation Acts of Australia and New Zealand. ERNEST AVES. *London, 1908.*

The Special Board system of Victoria is an extension of the factory legislation of that State, and the legal sanction for the establishment of these Boards is still found in the same Act that regulates conditions as regards health and safety. Thus, alike in enactment and in administration, the Special Boards form part of the general system of factory regulation. (Page 11.)

Report from the Select Committee on Home Work to House of Commons, London, 1908.

Upon the question of the general policy of Parliament fixing or providing for the fixing of a minimum rate of payment for work, below which it should be illegal to employ people, your Committee are of the opinion that it is quite as legitimate to establish by legislation a minimum standard of remuneration as it is to establish such a standard of sanitation, cleanliness, ventilation, air space, and hours of work. If it be said that there may be industries which cannot be carried on if such a standard of payment be enforced, it may be replied that this was said when the enactment of many of the provisions of the Factory and other similar Acts were proposed, and public opinion supported Parliament in deciding that, if the prognostication were an accurate one, it would be better that any trade which could not exist if such a minimum of decent and humane conditions were insisted upon should cease. Parliament, with the full approval of the nation,

has practically so decided again and again, when enactments have been passed forbidding the carrying on of specified industries, unless certain minimum conditions as to health, safety and comfort are complied with. (Page XIV.)

National Conference on the Prevention of Destitution. The Work of the Trade Boards, by J. J. MALLON. *P. S. King & Son, London, 1912.*

The successful results of a legal minimum wage have been demonstrated by half a generation of actual experience. That the legal enactment of common rules for an industry as a whole, far from lessening production, would, as compared with each employer managing his business as he thought best, actually be an economic advantage to the industry, has been the teaching of Political Economy for the whole of this century.

We have in fact, for a whole century been prescribing by law the minimum condition of the wage contract with regard to one item after another and thus regulating, in the public interest, by a hundred successive statutes, the condition under which industry shall be carried on.

And the scope of the legislation has steadily broadened. For a long time our factory acts confined themselves in the main to the enactment of a legal minimum of sanitation and safety in the workshop and the mine, insisting, for instance, that whether or not profits were being realized, employers should provide healthy work places properly warmed and ventilated, free from noxious effluvia, sufficiently protected against accidents, and adequately equipped with sanitary conveniences. From that our code went on to prescribe, for boys and girls, a Legal Minimum of Education, requiring parents and employers to forego the help in industry of children below a certain age, insisting that such children should be in attendance at school, and now gradually enlarging the sphere of the Local Education Authority so as to ensure that no child remains below the prescribed National Minimum of Nurture in any respect whatever. Meanwhile our labor code was laying down also a Legal Minimum of Leisure and Rest by prescribing a maximum working day, insisting upon proper intervals for meal-times and holidays, limiting overtime, etc.

All these successive interferences with the employer's "right" to "manage his business in his own way" were resisted on the ground that they involved additional expense, increased the cost of production, just as much as if the rate of wages had been arbitrarily raised, and that they thereby made it impossible for

the most hardly pressed business to be carried on. That they amounted virtually to a confiscation of property was repeatedly asserted. It was, as an eminent Conservative Minister declared in the House of Commons: "Jack Cade Legislature," which robbed the capitalist of some of his income for the assumed benefit of his work people. It was accordingly nothing more in the way of Jack Cade Legislature than that to which we had long grown accustomed, when the Legislature of Victoria, in 1896, added to the various minima already required by its Factory Code, a Legal Minimum Wage. (Pages 394-396.)

The Economic Theory of a Legal Minimum Wage. SIDNEY WEBB. *The Journal of Political Economy, University of Chicago Press, December, 1912.*

What, at any rate, is clear to the economist is that a Legal Minimum Wage would have no more effect, and no different an effect, on our international trade than the limitation of the hours of labor and the enforcement of sanitary conditions which our Factory Acts have imposed; and no educated person in Great Britain today—certainly no one having the least pretensions to economic knowledge—believes that our Factory Acts have been otherwise than beneficial to our international trade, which we see increasing by leaps and bounds. (Page 14.)

Just as it is against public policy to allow an employer to engage a woman to work excessive hours or under insanitary conditions, so it is equally against public policy to permit him to engage her for wages insufficient to provide the food and shelter without which she cannot continue in health. Once we begin to prescribe the minimum conditions under which an employer should be permitted to open a factory, there is no logical distinction to be drawn between the several clauses of the wage contract. . . . To the economist and the statesman, concerned with the permanent efficiency of industry and the maintenance of national health, adequate food is at least as important as reasonable hours or good drainage. To be completely effectual the same policy will, therefore, have to be applied to wages. Thus, to the economist, the enforcement of a Legal Minimum Wage appears but as the latest of the long series of Common Rules, which experience has proved to be *(a)* necessary to prevent national degradation; and *(b)* positively advantageous to industrial efficiency. (Page 17.)

Indeed, the fixing of a minimum wage on physiological grounds is a less complicated matter, and one demanding less technological knowledge, than the fixing of a minimum of sanitation, which is

done in every factory law; and it interferes far less with the day-by-day management of industry or its productivity, than any fixing of the minimum hours of labor, whether of men or women, to which, wherever excessive hours prevail, the European economist is now converted. (Page 23.)

The Practical Case for a Legal Minimum Wage. E. C. K. ENSOR. *Nineteenth Century, London, 1912.*

Under-payment tends clearly to the loss of the nation; and it is difficult on any ground of pure logic to see why the State, as trustee of the national interests, should not interfere with it, just as it has interfered with other features of competitive industry which appeared destructive of the nation's human capital. For about a century a long and ever lengthening series of Factory Acts and Mines Acts, etc., has been developed and it now minutely regulates industry, fixing the kinds of people (as to sex or age) who may be employed in the various trades, the hours they may work, the conditions (as to sanitation, ventilation, fencing in the machinery, humidity, etc.) under which they may work, and even in some measure (as by the Truck Acts) the conditions under which they may receive their wages. (Pages 265-6.)

It is difficult as had been said, upon any ground of pure logic to explain why under-payment did not become an orthodox subject for labor legislation just as much as over-long hours, inadequate sanitation or dangerous machinery. Whether you put State interference on the ground of humanitarian sentiment, or on the more scientific ground of conserving the nation's capital resources makes no difference. It is just as cruel to underpay people as to overwork them and just as wasteful from a national standpoint. (Page 267.)

The Living Wage. PHILIP SNOWDEN, M. P. *Hodder & Stoughton, London, 1913.*

"Unfettered Competition," says Lord Morley, "is not a principle to which the regulation of industry may be safely entrusted. The appalling results which came from a generation of unrestricted industrial competition arrested the attention of even the landlord and capitalist classes, and it became manifest to them that some restriction of unfettered competition was necessary to preserve the existence of a laboring class. In 1802 there was enacted the first of the long list of industrial and social measures, which in principle are the same as the demand for the Living Wage. A wage is

only one way of providing the means to satisfy the workers' needs and aspirations. (Page 13.)

The nation is beginning to realize that. Regulative legislation, necessary though it is, and beneficial though it is within its limits, cannot materially raise the Standard of Life of the workers if unregulated competition in the matter of wages prevents them from having wages sufficient to provide them with food, clothing, housing, and other necessaries essential for the maintenance of physical health, industrial efficiency and reasonable comfort. The Living Wage is the inevitable outcome, and the natural complement, of the industrial and social legislation of the last hundred years. (Pages 23-24.)

IN THE

Circuit Court

of the State of Oregon

for the

County of Multnomah

FRANK C. STETTLER,
Plaintiff,

vs.

EDWIN V. O'HARA, BERTHA MOORES and AMEDEE M. SMITH, constituting the Industrial Welfare Commission of the State of Oregon,
Defendants.

Opinion of Hon. T. J. Cleeton, Judge of the above entitled Court, delivered upon sustaining the demurrer of the defendants to the complaint.

GLADE & PRUDHOMME CO., PORTLAND, OR. 111825

PAGINATION BEGINS AGAIN

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Defendants.

Opinion of Hon. T. J. Cleeton, Judge of the above entitled Court, delivered upon sustaining the demurrer of the defendants to the complaint.

Plaintiff appeared and a brief was filed by Fulton & Bowerman, his attorneys, and an oral argument was made by Hon. C. W. Fulton.

Defendants appeared and a brief was filed by Hon. A. M. Crawford, Attorney General of the State of Oregon, and Malarkey, Seabrook & Dibble, their attorneys, and oral arguments were made

by Hon. A. M. Crawford, Hon. Dan J. Malarkey and E. B. Seabrook.

Judge Cleeton said:

The Court is asked to grant a permanent restraining order against the Industrial Welfare Commission, prohibiting it from establishing a minimum wage of $8.64 for women when employed in manufacturing establishments in the City of Portland, Oregon, upon the alleged ground that the legislative act creating the commission is unconstitutional. The reasons advanced for this claim are three in number, to-wit:

First: It is an attempt to delegate legislative power to the Commission and Conference created and authorized by the act.

Second: It is in violation of Section 20 of Article I of the Constitution of the State of Oregon.

Third: It is in violation of the Fourteenth Amendment of the Federal Constitution in that it deprives the employer of his property and his liberty to contract without due process of law and denies to the employer the equal protection of the laws.

It appears by the admission of counsel for the parties that the question of whether or not this legislative act is within the police power of the State is controlling in the determination of most of the questions raised by the objections urged against it.

In determining whether or not this legislation falls within the police power of the State, it is well to note the evident purpose and intent of the law, as well as the evil sought to be remedied; and in so

doing it is perhaps advisable to consider the preamble, which is as follows, to-wit:

"*Whereas* the welfare of the State of Oregon requires that women and minors should be protected from conditions of labor which have a pernicious effect on their health and morals and inadequate wages and unduly long hours and unsanitary conditions of labor have such a pernicious effect" . . . .

The part of the statute following this preamble, which it is necessary to consider, being a part of Section 1, reads as follows:

"It shall be unlawful to employ women in any occupation within the State of Oregon for wages which are inadequate to supply the necessary cost of living, and to maintain them in health; and it shall be unlawful to employ minors in any occupation within the State of Oregon for unreasonably low wages."

The evident purpose of the act, as gathered from the preamble and the body of the act is, therefore, to protect the health and welfare of those mentioned in the act, namely: women and children. It is conceded by counsel for the plaintiff, and borne out by almost all of the latest decisions, that an act regulating the maximum hours of labor for men in certain occupations, generally recognized as dangerous to health, is within the police power of the State. It is also admitted and borne out by the recent decision of the United States Supreme Court in Muller vs. Oregon, 208 U. S. 412, that a law limiting the maximum hours of labor for women in laundries is also within that police power.

And it has been uniformly held by respectable courts of last resort that it is a proper exercise of the police power to limit the maximum working hours for women and children.

State vs. Muller, 48 Or. 252.
Com. vs. Hamilton, 120 Mass. 383.
Wenham vs. State, 65 Neb. 396-405; 91 N. W. 421.
State vs. Buchanan, 29 Wash. 602; 70 Pac. 52.
Withey vs. Bloom, 163 Mich. 419; 128 N. W. 913.
Ritchie vs. Wayman, 244 Ill. 509; 91 N. E. 695.
Ex parte Miller (Cal.) 124 Pac. 427.
State vs. Sommerville (Wash.) 122 Pac. 324.

The foregoing decisions apply to women, and the following to children:

State vs. Shorey, 48 Or. 396.
People vs. Ewer, 141 N. Y. 129; 36 N. E. 4.
Mt. Vernon Co. vs. Insurance Co., 111 Md. 561; 75 At. 105.

The only decision to the contrary, which has been called to my attention, is that of Ritchie vs. People, 155 Ill. 98; 40 N. E. 454; but the authority of that decision has been destroyed by the later case of Ritchie vs. Wayman, supra.

There is a clear ground of distinction between the extent of the police power when applied to the regulation of the hours of labor for men and when applied to the regulation of maximum hours of employment of women, based upon the peculiar and

distinctive differences in physical structure, function and temperament of women, as distinguished from men.

If it is within the power of the legislature to regulate the maximum hours of labor for women employed in laundries, which service is not necessarily an occupation which in itself is detrimental to health, reasoning by analogy it would follow as a reasonable conclusion that such regulation might be lawfully applied to all occupations of women, and, more certainly, the occupations of minors. Assuming this proposition to be true when applied to the regulation of the maximum hours of labor, it would also be true when applied to the same class limiting the minimum wage, unless there is a sound reason that distinguishes the one from the other.

To make effective a law fixing maximum hours of labor, it may become necessary to have a law fixing a minimum wage. The two are inseparably linked together. This is especially true in the case of the employment of women and children, for the reason that the occupations in which they may be usefully employed are necessarily limited, while the number seeking such employment is necessarily large. The two laws are necessary complements of each other, and go to the same effect, and to secure the same end. If the law regulating the number of hours of labor for women and minors is within the police power and constitutional, a law fixing a minimum wage is also within the police power.

The purpose of the act in limiting the maximum hours of labor and the minimum wage for women,

is evidently the same, viz: to preserve and conserve their health and morals. Is the preservation and conservation of the health and morals of women workers a public concern, or is it merely a matter that concerns the individuals employed? If the enactment is for the public health, peace, morality and general welfare it falls within the police power of the State to regulate. The complexity and intimate relations of our present day civilization are such that there is a necessary dependency of the public welfare upon the health, morality and vigor of our women and children, when considered from physiological, sociological and moral standpoints. The women are and are to be the mothers of our future citizens, and the children of today will be the citizens of tomorrow and when any considerable number of them are employed at wages which reduce them to beggary or denies a sufficient compensation to preserve health, the insufficiency of such wages becomes a powerful factor in determining the social, moral and physical status of the body politic and is a matter of public concern.

The police power of a state has its limitations. It is very difficult to determine oftentimes where the boundary line should be drawn. There is what is known as the "twilight zone," so recognized by courts in passing upon matters relating to the police power of a state. This zone embraces those questions where the decisions of the Courts seemingly overlap. This zone is necessarily a widening one, and must be, and will be, extended to new questions as they arise, when those questions are dealing with the public and general welfare; hence the limitation

of the police power, when applied to these matters, must necessarily be shifting, determined not so much by precedent as by reason and justice and the preservation of public peace, health, morality and the general welfare. The statute having for its object the general welfare, it will be given a liberal construction. And considering the statute from that standpoint, it is my opinion that the regulation of the minimum wage for women and minors, as announced in the act, is within the police power of the State, and is, therefore, constitutional.

This conclusion reached by the Court disposes of the contentions made that Section 20 of Article I of the Oregon Constitution and the Fourteenth Amendment of the U. S. Constitution have been violated by the act in question.

There remain two questions to be considered by the Court, however, before the validity of the act may be declared. They are, first: Does the act delegate legislative power to the Commission created thereby? and second: Does the act deny to any person affected thereby a judicial review of the acts of the Commission?

If the act attempts to confer legislative power on the Commission, as plaintiff's counsel contend it does, then it cannot be sustained.

The point urged by plaintiff is that the legislature has delegated to the Commission the power of determining what was a living wage for women in the industries investigated; and it is contended the Commission must, in determining that, act in a legislative capacity, and that, though the legislature

had the power to fix the standard, it could not delegate that power to the Commission.

There is a vast difference, however, between fixing a standard and delegating to a commission the power of ascertaining the existence of facts which make that standard applicable, on the one hand, and the delegation of the power of fixing the standard itself on the other. The former may be done, but the latter is in excess of the legislature's power.

State vs. Corvallis Co., 59 Or. 450.
Portland R. L. & P. Co. vs. R. R. Comm., 229 U. S.
Southern Pac. Co. vs. Campbell, 33 Sup. Ct. Rep. 1027.

"The rule is universal," said Justice Moore in State vs. Corvallis Co., supra, "that, as a legislative assembly exercises an authority conferred by the Constitution, it cannot delegate the power to enact laws. It may, however, direct that the application of a statute to a designated district or to a specified state of facts shall depend upon the existence of certain conditions to be ascertained and determined in a particular manner."

It is my view that the Legislature by the terms of Section 1 of the act has definitely fixed the standard and has only left to the Commission the ascertainment of the facts which makes the law applicable to any particular district or industry.

The portion of Section 1 referred to reads as follows: "And it shall be unlawful to employ women in any occupation within the State of Oregon for wages which are inadequate to supply the necessary cost of living, and to maintain them in health."

The standard thus fixed by the legislature is dependent upon a number of facts and circumstances which could not be ascertained by the legislature in any practical way; and the legislature created the Commission for the purpose of ascertaining the facts, which, when determined and promulgated, should set in operation the statute. The Commission performs merely a ministerial or administrative function, and does not in any sense assume to legislate.

It is further contended that the act is invalid because the Commission was empowered to call a conference which has the power to inquire into the varied conditions and surroundings and circumstances of this class of employees, and because the Commission has no power to change the finding of the Conference when promulgated. But anything the Commission could do itself it could empower the Conference to do, subject to its approval. It cannot change the rate of wages recommended by the Conference, but it can refuse to adopt them. The recommendation of the Conference, therefore, becomes, when adopted, the act of the Commission, and not the act of the Conference. Upon this ground the contention is not, in the judgment of the Court, well founded.

The remaining question urged by counsel for plaintiff is that the act denies the plaintiff the right of a judicial determination or review of the acts of the Commission. The determination of this question has been one of considerable difficulty to the Court, for it is recognized by our institutions that private property should not be taken or private

rights denied without due process of law and that every man should have a right to a judicial determination of any question affecting his rights of property or personal liberty or his right to contract or not to contract as he chooses. This question is somewhat affected and simplified by the police power of the State. Private property may be taken and private rights may be invaded without compensation under the police power of the State, when it becomes necessary to protect public peace, public health or public welfare.

Balch vs. Glenn, 85 Kan. 735; 119 Pac. 67.

It is contended that by reason of Section 16 of the Act, which specially prohibits an appeal from any decision of the Commission on a question of fact, a judicial review of the Commission's acts is thereby denied and that that rendered the entire statute nugatory and void.

Upon this question the Court has entertained, and still entertains, some doubt; but, applying the rule of common sense, it appears that the act itself is complete without Section 16 thereof.

It will, therefore, be unnecessary for the Court to decide whether or not Section 16 of the act does in fact attempt to prohibit a judicial review of the acts of the Commission. For if it does, it will be disregarded and treated as surplusage.

Reagan vs. Trust Co., 154 U. S. 362.
Southern Pac. Co. vs. Board, 78 Fed. 257.

And, as the act is complete in every respect without Section 16, the validity thereof is not affected by disregarding that section.

The plaintiff cannot complain of this construction, for the reason that he thereby has his right of review. In fact, the decisions above cited are to the effect that where the legislature provides in an act that there shall be no judicial review of a question of fact, such provision will be disregarded as surplusage whenever it is sought to show that the acts, sought to be reviewed, are unreasonable or confiscatory. The Court believes that the plaintiff has the right of judicial review, notwithstanding Section 16 of the act; and that in any case which may arise under this act, where he seeks to show that the acts of the Commission are unreasonable or confiscatory, he may have that question adjudicated.

This disposes of the contentions of the plaintiff, as the Court views the matter. I wish to state that the Court has been very much aided and instructed by the learned arguments of counsel for the plaintiff and for the Commission; and has been enlightened and edified by the comprehensive and able briefs submitted on the question. It is a question of great import and far-reaching in its effect; and it being a statute intended to preserve public health and morality, and promote the general welfare, the Court has resolved whatever doubts it had in favor of the constitutionality of this statute, and therefore, holds the act constitutional, and denies the writ, and sustains the demurrer.

END OF
TITLE